

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, May 9, 2013 6:00 P.M.**

**P&Z MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA

The issues that come before the Planning & Zoning Advisory Commission are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Commission believes that the meeting be a safe place for people to speak. With this in mind, the Commission asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Commission meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A quorum of Council may be present. One or more members of the Commission may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order.

2. Opening Ceremonies.

2.1. Pledge of Allegiance.

3. Roll Call. Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark.

4. Disclosure of Ex Parte Contacts.

5. Informational Reports. Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.

6. Consent Agenda. All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.

6.1. Minutes. Minutes from the March 7, 2013 and April 4, 2013 Planning & Zoning Commission Regular Meetings and April 19, 2013 Planning & Zoning Work Session Meeting.

7. Discussion Agenda – New Business. Discussion and Possible Action.

7.1. Presentation on Land Protection Tools and Open Space Planning in Yavapai County. Discussion only. Presentation by Colleen Sorensen of Central AZ Land Trust on Land Protection Tools and Open Space Planning in Yavapai County.

Page 13 **7.2. Revision of Plat – Ron King.** Discussion and Possible Action.

Page 21 **7.3. Accessory Dwelling Units.** Discussion and Possible Action on accessory dwelling units, secondary medical dwelling units and guest homes.

Page 31 **7.4. Illegal Lot Divisions.** Discussion and Possible Action for establishing rules on how to handle illegal lot divisions.

- 8. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
- 9. Public Hearing Agenda.** Discussion and Possible Action on matters not previously presented to the Commission.

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

10. Comments from the Public. The Commission wishes to hear from Citizens at each meeting. Those wishing to address the Commission need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Commission. Individuals may address the Commission on any issue within its jurisdiction. At the conclusion of Comments from the Public, Commissioners may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Commissioners are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Comments from the Public is **20** minutes. A 3-minute time limit may be imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

11. Adjourn.

For Your Information:

Next Town Council Work Session: Tuesday, May 14, 2013 at 2:00 p.m.

Next Town Council Meeting: Tuesday, May 21, 2013 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, June 6, 2013 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the ____ day of _____, 2013, at ____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk’s Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

**TOWN OF DEWEY-HUMBOLDT
PLANNING & ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
MARCH 7, 2013, 6:00PM**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, MARCH 7, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR CLAIRE CLARK PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:03PM.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Chris Berry, Dee Parker, Jeff Siereveld and Chair Claire Clark were present, Bob Bowman was absent (resigned effective March 6, 2013).
4. **Disclosure of Ex Parte Contacts.** None.
5. **Informational Reports.** Warren Colvin, Community Development Coordinator, reminded the Commission of the Open Meeting Law training on Friday, March 15, 2013 at 1PM. He also informed the Commission that Bob Bowman resigned effective March 6, 2013 due to his duties with the Lion's Club; actively seeking people for Planning & Zoning Commission. Chair Clark stated we are very thankful for Bob Bowman's service for the last 10 years, she will contact the Town Manager to set something up to properly thank him for his hard work.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the February 7, 2013 Planning & Zoning Commission Regular Meeting.

Commissioner Parker made a motion to approve the February 7, 2013 Planning & Zoning Commission Regular Meeting minutes as presented, Commissioner Siereveld seconded. The motion passed unanimously.
7. **Discussion Agenda – New Business.**
 - 7.1. **Presentation on Land Protection Tools and Open Space Planning in Yavapai County.** Tabled.
 - 7.2. **Accessory Dwelling Units.** Mr. Colvin spoke on Accessory Dwelling Units (ADU's), allowed in R1L and R1 zoning districts as long as they meet the required setbacks and stay under the maximum lot coverage. The Town's General Plan goals specifically state to maintain low-density, rural small town characteristics; definition of ADU is a separate unit that is attached or detached to the primary dwelling unit, may be used as a separate living unit and may include separate kitchen, sleeping and bathroom facilities on a single family lot. ADU's are subordinate in size location and appearance to the primary unit. Low density defined in general plan is one dwelling unit per 70,000 square feet which is almost 2 acres. Staff believes there should be some provisions to allow an additional dwelling unit but set criteria to maintain the General Plan goal which is one unit per 70,000 square feet. Mr. Colvin called all the incorporated communities in the County; Prescott allows a guest home with a kitchen that is detached from the main residence, otherwise it is treated as a duplex. Prescott Valley allows guest homes with no kitchen. Chino Valley allows guest homes with no kitchen. County allows ADU's and guest homes. Mr. Colvin stated guest homes have more requirements, trying to keep them

from turning into a secondary rentable unit; guest homes are hard to enforce based on 120 days over 12 month period time limits.

Mr. Colvin spoke on Secondary Medical Dwelling Units, nowhere in Town Code does it refer to these, only in definitions; likely was the intent to remove it from the Code entirely, just forgot the definition.

Chair Clark spoke on having these two agenda items handed to us from Town Council, clarify what we are trying to accomplish, may be conflict between the General Plan and the zoning; suggested planning a work session meeting between now and April's meeting to discuss both items. Chair Clark asked Staff to prepare some items that we will need to address these issues. ADU's: We will need those portions of the General Plan as they apply to ADU's to see the wording, zoning information, definition, implications of ADU's and the issues. Chair Clark asked if this was for ADU's going forward, not retroactively. Mr. Colvin confirmed; if it is changed, everything prior would be called an existing non-conforming use. Mr. Colvin stated the zoning code we are dealing with was adopted in 2008 and the General Plan was not implemented until 2009.

Commissioner Berry spoke in favor of spending time studying this subject, discussing what is known and have experience with, both tonight and at a future work session; these can be hot-button issues, careful consideration with motions made.

There was discussion about the General Plan and each of the Commissioners having a copy available.

Commissioner Berry asked about the General Plan and if the portions that are on the agenda were lifted directly from the International Building Code or written at the time of the General Plan. Mr. Colvin stated the building code does not deal with Town's land use and the vision of the Town so when they wrote the General Plan there was not much crossover.

Commissioner Parker made a motion to move this discussion, accessory dwelling units, secondary medical dwelling units, guest homes, to a work session, seconded by Commissioner Berry. The motion passed unanimously.

7.3. Illegal Lot Divisions. Mr. Colvin stated anyone can take a document and legal description and the County, by State law, has to record that document; people believe it is a legal lot and do not realize they need to take it to the Town; when lots are divided more than a certain number of times, a subdivision is created and then potential for an illegal subdivision if proper procedure not followed. Mr. Colvin suggested adding language in the code, creating a section to address this subject specifically.

Commissioner Berry spoke on Constitutional issues, public perception or misperception; County obligated to record the document, document is legal whether the act is or not. Consideration given to how to make the public feel that the Town is acting in their best interests, working with them not against them; coming from a consumer protection standpoint and how to word it correctly through Attorney.

Chair Clark spoke in favor of creating some sort of resource that explains filing a document at the County, what is achieved and what is not; follow zoning codes that are already in place to protect the nature of Dewey-Humboldt; give Staff a written procedure to use when these issues come about.

Commissioner Parker spoke about the importance of the County and Town communicating. Commissioner Berry stated although the County is working with us, they

are under no obligation to do so; the Town currently has a good relationship with the County; suggested asking the County to cooperate with us, approaching it carefully. Commissioner Siereveld asked what the consequences are if the County accepts an illegal lot division and the Town's message is it does not meet our requirements, then the buyer has a piece of property they cannot do anything with. Mr. Colvin agreed, that is the issue. Commissioner Berry reiterated importance of consumer protection, setting criteria for lot splits as long as it is OK with Town's attorney. Chair Clark spoke against mandating people to do certain things, but give advisable actions to take when one is purchasing land. Commissioner Berry thought it should be stronger than an advisory.

Jerry Brady spoke on Arizona's unresolved public land use laws; 1906 plat for Dewey-Humboldt was supposed to be the legal document to establish legal descriptions, it was never recorded as proper title or deed. That is the basis for all lot splits in this town, a plat map, not a survey; more than 2,000 mineral monument surveys which are the only accurate surveys in Town; Federal government is providing funds to remedy the original survey defects, Florence did it. CYFD is getting incorrect dispatches into Town because the legal descriptions do not match their GIS/GPS/MIS dispatching system.

Commissioner Berry stated what Mr. Brady is saying is true and should be looked into. Commissioner Siereveld agreed.

Commissioner Berry made a motion to move illegal lot divisions to a work session, Commissioner Parker seconded. The motion passed unanimously.

Mr. Colvin stated he will incorporate as much information as possible for the work session packet. Chair Clark asked Staff to find any documents that would be helpful for the work session, providing as soon as possible in order for the Commissioners to read it before the work session.

8. Discussion Agenda – Unfinished Business. None.

9. Public Hearing Agenda. None.

10. Comments from the Public.

Jerry Brady spoke on the Arizona Growing Smarter Act and 2025 Comprehensive Plan, time constraints, Prescott Valley, Prescott and the County have draft plans already; U.S. BLM has funds available for connectivity of roads and trails, constructing a trail along Old Black Canyon Highway; tomorrow is last day to comment. Mr. Brady plans to comment for Town.

Chair Clark asked Mr. Colvin to gather as much information regarding the Arizona Growing Smarter Act, the 2025 Comprehensive Plan, BLM Connectivity Plan, etc.

Mr. Colvin noted the Sign Code was approved by Town Council with minor tweaks and will be codified.

11. Adjourn. The meeting was adjourned at 7:12PM.

Claire Clark, Chairperson

ATTEST:

Mandi Garfield, Administrative Assistant

**TOWN OF DEWEY-HUMBOLDT
PLANNING & ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
APRIL 4, 2013, 6:00PM**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, APRIL 4, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR CLAIRE CLARK PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:10PM.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
 - 2.2. **Oath of Office.** Swearing in of new Commissioner, Tammy DeWitt.
Town Clerk, Judy Morgan, performed the oath of office for new Commissioner Tammy DeWitt.
3. **Roll Call.** A roll call was not taken as a quorum was not present.
4. **Adjourn.** The meeting was adjourned at 6:14PM.

Claire Clark, Chairperson

ATTEST:

Mandi Garfield, Administrative Assistant

**TOWN OF DEWEY-HUMBOLDT
PLANNING & ZONING ADVISORY COMMISSION
WORK SESSION MEETING MINUTES
APRIL 19, 2013, 2:00PM**

A WORK SESSION MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON FRIDAY, APRIL 19, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR CLAIRE CLARK PRESIDED.

1. **Oath of Office.** Swearing in of new Commissioner, Barry Smylie.
Town Clerk, Judy Morgan, performed the oath of office for new Commissioner Barry Smylie.
2. **Call To Order.** The meeting was called to order at 2:00PM.
3. **Roll Call.** Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark were present.
4. **Study Agenda.** No legal action to be taken.

4.1. Accessory Dwelling Units. Chair Clark gave an overview of the agenda and the outline she provided with the packet and posed the question whether it was the desire of the Town of Dewey-Humboldt to allow Accessory Dwelling Units (ADU's). Warren Colvin, Community Development Coordinator, spoke on the background being vague on this subject but the Commission at the time was adamant about getting rid of secondary medical dwelling units; the discussion about ADU's when the code was being written was focused on keeping guest homes and very little regarding ADU's. Mr. Colvin provided definitions for ADU's and Guest Homes: **Accessory Dwelling Units** must be subordinate in size to main residence, an accessory use to the main residence, must have similar characteristics to main residence, attached or detached, an ADU can be set up as a permanent residence, have its own utilities, no time limit to stay; **Guest Home** is limited to 750 square feet, attached or detached, can have a kitchen, utilities run through main house, time limit that a guest may stay is 90 consecutive days over a 12-month period. Commissioner DeWitt asked for clarification on non-paying guests. Mr. Colvin confirmed that for ADU's and guest homes the homeowner cannot collect rent.

Commissioner Smylie spoke on managing these through the permitting process. Commissioner DeWitt spoke on trying to clean up the zoning ordinance; Prop 207 was passed in 2006 in reference to property rights, but also affected how zoning ordinance amendments are done, usually relaxing the ordinance not making it more strict so as not to take away development rights of a property owner. Mr. Colvin spoke on Prop 207, when changes to zoning land ordinance or enacting land use ordinances after 2006 and making it more restrictive than what is currently in place, people can file claims for just compensation for what was taken away from them on their property. Commissioner Parker spoke in favor of keeping low density and asked about irregular sized lots. Mr. Colvin stated irregular lots have to meet required setbacks for their zoning; when looking at irregular shaped lots there is a calculation for drawing rear yard lines, etc. He mentioned that Prescott and Chino Valley treat a guest home/ADU that is attached to a main residence as multi-family housing and suggested considering detached only. Commissioner Siereveld spoke in favor of ADU's; they exist in this community, though there is a possibility of those becoming rentals in the future.

Chair Clark asked whether an additional full-time occupied ADU on a parcel is in compliance with the General Plan. Mr. Colvin stated it falls under Prop 207, it is already

in the code, cannot be made more restrictive. Chair Clark noted the General Plan states one dwelling per 70,000 square feet in a low density residential area, medium density is one dwelling per 35,000 square feet, nothing specific to ADU's, it is grey area. Mr. Colvin stated the primary residence would be considered the dwelling and the additional dwelling would be considered accessory to the main residence and in compliance with the General Plan.

Chair Clark asked if it is not in compliance with the General Plan to allow ADU's does the P&Z Commission want to suggest to Town Council that they make ADU's legal by amending the General Plan and clarifying the requirements. Mr. Colvin stated this would be in compliance with the General Plan because the uses are accessory to the main use. He suggested the Commission decide on guest homes or ADU's or a hybrid. P&Z would make a recommendation to amend the zoning ordinance to Town Council; there would be public hearings, codification, etc. There was discussion on detached versus attached. Commissioner DeWitt spoke in favor of the definition of guest home but removing the time frame, ADU is loosely written in the zoning ordinance and not as many design requirements. Commissioner Parker asked for clarification on guest homes being attached or detached. Mr. Colvin stated a guest home is defined as a secondary unit, so it is a detached separate unit. He added that the ADU definition is a second separate unit that is attached or detached to the primary dwelling. There was further discussion on detached vs. attached vs. doing an addition (bedroom, living room) on the home, the kitchen makes it a dwelling unit. The Commissioners agreed on modifying the definition at their next meeting, using some combination of guest home and accessory dwelling unit, eliminating the ADU.

Nancy Wright commended the Commission on their work; spoke on the Town receiving local sales tax, portion of state sales tax, portion of income tax and portion of gas tax; Prop 207 is in regards to diminishing the value of the property.

Lydia Chapman commended the Commission on the agenda and the questions posed; kitchens were not in the zoning ordinance, it was added at some point but not clear when or by whom; spoke against accessory dwelling units; Commission's purpose is to maintain the integrity of the Planning and Zoning ordinances and do what is best for the Townspeople.

Chair Clark asked Staff to remove items A, B, C in the ADU section of the Outline. P&Z Commission has agreed to suggest that the Town Council eliminate the ADU term; P&Z will make a suggestion on a guest home term to be defined with specific requirements. Staff to provide ADU and Guest Home from the Zoning Ordinance to see what needs to be amended.

Chair Clark called a 10 minute recess. The meeting was called back to order at 3:15PM.

Mayor Nolan commended the Commission on their work and professionalism.

4.2. Illegal Lot Divisions. Chair Clark reviewed what the Commission has talked about on this subject at previous meeting, private individual subdivides a parcel of land in an illegal manner and sells it to a private individual, then goes to Town Hall for a building permit and finds out they own an illegal lot and cannot build. The County records documents, it is not their responsibility to verify legality, P&Z previously discussed providing an informational document to landowners about illegal lot divisions.

Mr. Colvin stated that in talking with the County Recorder's and Cartography offices, they did not seem to be open to providing brochures or information strictly for Dewey

Humboldt; the County is bound by State law to take a document provided to them and record it.

Mr. Colvin stated section 153.016 references non-conforming uses and structures and suggested forming a policy to address how the Town handles illegal lot splits and allowing him authority to withhold a permit in this situation. HB1598 states that when a policy is made that you have to put it in your ordinance and it is getting stricter this year. He stated there is currently a Town process in place for lot splits, yet many people circumvent it and end up with illegally split lots and in some cases no access to the property; planning to put an article in the newsletter about this subject.

There was discussion on how to help staff and inform people about illegal lot divisions, checking with other cities and towns for their process, providing a brochure at the County, at Town Hall, people may not know to come in to get a brochure; importance of due diligence on the part of the buyer; buyer's legal recourse; it is not a Town requirement to have a property professionally surveyed when it is purchased; a site plan is required when someone builds a structure, but no legal survey.

Chair Clark asked Mr. Colvin to provide detailed information to P&Z at the next meeting on the Town's process for a legal land division and information on non-conforming uses, identifying those items for the Commission, including any background information where it discusses procedures; what to do after an illegal land division is discovered; P&Z to decide whether to amend an ordinance relating to illegal lots. Chair Clark asked Staff to remove item 1) and its sub-content from the Outline, leaving 2) and its sub-content for future discussion. She encouraged Mr. Colvin to write an article for the newsletter pertaining to illegal lots and also to put it on the Town's website.

The Commission tentatively agreed to schedule a work session on May 17, 2013 at 2:00PM.

5. Comments from the Public.

Nancy Wright suggested placing illegal lot division information on the Town's website as well as producing a brochure for realtors; contacting the Board of Supervisors to suggest a flyer in the window of the Recorder's Office applicable to all of the quad-cities with information about illegal lot divisions, encourage buyer's to contact the local jurisdiction. Mr. Colvin suggested P&Z provide recommendation to Town Council and they could put that suggestion forward to the Board of Supervisors, for discussion at next meeting.

6. Adjourn. The meeting was adjourned at 4:12PM.

Claire Clark, Chairperson

ATTEST:

Mandi Garfield, Administrative Assistant

OUTLINE for P&Z Meeting 05/09/13

	<p>1. Introduction to meeting by Chair Clark</p> <p>2. Chair Clark will do a quick review of the information presented by staff in the packet for tonight's meeting, then P&Z will begin discussion of items 7.3 through 7.4.</p>
	<p>FOR OUR INFORMATION: How many square feet are there in an acre? 43,560</p> <p>Accessory Dwelling Units The first agenda item to be discussed is the issue regarding accessory dwelling units or ADUs. The questions that the P & Z Comm. needs to address regarding ADUs are:</p> <p>a. Is it the desire of the Town of D-H to allow ADUs?</p> <p>b. Is allowing an additional, full-time, occupied ADU on a parcel in compliance with the General Plan?</p> <p>c. If it is not in compliance with the Town's General Plan to allow ADUs does the P&Z commission want to suggest to the Town Council that they make ADUs legal by amending the General Plan?</p> <p>d. The building code in D-H does not state where Secondary Medical Dwelling Units (SMDUs) are allowed to be placed. Staff suggests that we remove the definition of SMDUs from the building code, thereby not allowing their construction or use in D-H. Staff suggests that they are almost impossible to enforce.</p> <p>e. Staff suggests that ADUs be allowed only on parcels that are 3.5 acres or 152,460 sq. feet. Does the P&Z Comm. agree with this suggestion?</p> <p>A. Per the Town General Plan there are definitions of low and moderate density residential areas. Here are the definitions from pages 14 and 15 of the Town's General Plan:</p> <p>a. Low Density Residential is defined as:</p> <p>"The low-density designation is applied to approximately 86% of the residential land in the Town. The target residential density is one (1) dwelling per 70,000 square feet (almost two acres) of land area. Typical zoning districts applicable to this designation require a minimum lot size of 70,000 square feet and all other residential zones requiring greater size."</p> <p>FOR OUR INFORMATION: 70,000 SQ. FT. / 43,560 sq. ft. (one acre) = 1.6 acres</p> <p>b. Medium Density Residential is defined as:</p> <p>"The medium density residential designation serves as a transitional area surrounding the commercial and multiple use areas of the Town with a target Residential density of one (1) dwelling per 35,000 square feet (almost one acre). Neighborhood Commercial and Higher-Density Residential uses may be considered when property is adjacent to an area designated as General Commercial."</p> <p>FOR OUR INFORMATION: 35,000 SQ. FT. / 43,560 sq. ft. (one acre) = .8 acres</p>

B. From the Planning & Zoning Advisory Commission Joint Meeting with Town Council dated April 5, 2012 our direction regarding this matter amounted to the following:

"Chair Bowman stated this [issue] was discussed at great length and a recommendation was made to Council." Has staff found this recommendation?

It seems that P&Z was asked to define ADUs and suggest to Council if and where they may exist.

C. The P&Z Commission needs to decide what we want to suggest that the Council tries to achieve. Based on the "Accessory Dwelling Units: Case Study by HUD, here are some potential goals:

a. Increase our Town's housing supply.

b. Help homeowners to supplement their income by allowing them to have ADUs.

c. By allowing homeowners to have ADUs and by simplifying the permitting process, the planning and building department can encourage homeowners to build ADUs that blend in with the neighborhood.

d. Town can increase the available housing for low income individuals.

e. Town can bring existing illegal ADUs into code compliance by using some of these possible incentives; waiving permitting fees, by accessing Block Grant Funds to reimburse homeowners for their costs, providing loan programs, giving tax incentives, and streamlining the permitting process.

Conclusion: Do we need to plan for another work session for this agenda item?

BREAK

Chair Clark will briefly walk through agenda item 7.4

Illegal Lot Divisions: People buy lots that are illegally subdivided. Then the owners file their lot with the County of Yavapai. They are not told by the County of Yavapai that their lot is illegal because it is not Yavapai County's responsibility to do so. When they apply for a building permit here in D-H they are told by our staff that their lot is illegally subdivided and that they cannot issue a building permit on the parcel. What should D-H do about this?

~~1. Create a handout to be given to the County. We could suggest that our Mayor request that the County give the handout to anyone filing a newly subdivided lot with the County. It could say:~~

~~a. Do you understand that just because you legally file your lot with the County that the lot may not be legal or that you will be allowed to build on it?~~

~~b. Here is how you can determine whether your lot is legal:~~

~~i. Determine the jurisdiction you are in by calling your closest town and asking them whether you are in their jurisdiction. If you are not they will tell you who to call.~~

~~ii. Once you determine which jurisdiction your property is in call that entity and ask them who can talk to to find out if there are size restrictions on lots and whether you will be able to build on your lot. Once you speak to this person you will have to tell them how you wish to use the lot before they can tell you if you will be allowed to do so.~~

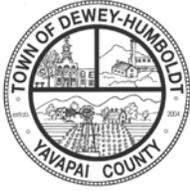
2. What is our D-H staff supposed to do if someone shows up and does not know that their lot is illegal and they will not be allowed to build on their lot?

a. Policies and procedures for our town need to be adopted for this situation and they need to be put in writing so that staff can give them to the property owner.

b. They need to have (if they do not have this already) a sheet that shows the minimum lot sizes per zone.

c. They need to have a document that they can give to the property owner giving them names, titles and phone numbers of people and/or agencies that they can speak to who will help advise them of their available options.

Determine where to go from here.



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

May 9, 2013, 6:00 p.m. Town Council Meeting Chambers

To: Planning & Zoning Advisory Commission
From: Warren Colvin, Community Development Coordinator

Date Submitted: April 25, 2013

Agenda Item: Revision of Plat – Ron King

Recommendation: Approve the Revision of Plat

Summary: Request a re-division of a portion of Block 20 within the Revised Map of the Town of Humboldt, a Subdivision Plat as recorded in (Book 2 of Maps, Page 9 of Yavapai County Records). Town Code Section 152.11(B)(1) requires that a Revision of Plat be submitted for approval by Planning & Zoning and Town Council when a division of land within a subdivision results in the increase in the total of lots in that subdivision.

Ron King has made application to divide a parcel of approximately 0.60 acres located at 2732 S. Corral Street into two lots. The results of the division will remain consistent with the R1-10 District as each lot will exceed 10,000 square feet. The completed division will yield (1) a 10,080 square-foot lot is supporting an existing manufacture home and (2) a 15,540 square-foot lot of vacant land. Both lots have frontage on Corral Street. A utility easement is provided on lot 20A-1 for future power and water to lot 20A-2. This lot is located in the service area of the Humboldt Water Company for its potable water.

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APR 02 2013

TOWN OF DEWEY-HUMBOLDT
DEVELOPMENT APPLICATION

PROJECT DESCRIPTION:

~~REVISION OF PLAT~~ REVISION OF PLAT

- General Plan Amendment - Major
- General Plan Amendment - Minor
- Pre-Application
- Community Master Plan
- Major Use / Site Plan
- Preliminary plat
- Commercial Design Review
- Annexation
- Zoning Clearance
- Conditional Use Permit
- Abandonment
- Rezone
- Land split (3 parcels max)
- Lot Combine
- Variance
- Area Plan / Amendment
- Final Plat / Amendment
- Land Use District
- Other _____

LEGAL DESCRIPTION:

EXISTING ADDRESS

Property Address:

2732 S. CORRAL ST.

Number of Lots / Units Proposed:

2

Assessor's Parcel Number:

402-09-020B

Parcel Size (Acres):

.6 AC.

Existing Land Use District:

R1-10

Proposed Land Use District:

R1-10

Plat Name: _____

Block: _____

Lot: _____

Tract: _____

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

Water _____
 Phone _____

Gas _____
 Electric _____

Sewer _____
 Cable _____

Describe Public Access to Property:

FEES

Base Fees: \$500.00

Other Fees: _____

Other Fees: _____

Subtotal: _____

Total: _____

*APPLICANT / CONTACT INFORMATION:	OWNER INFORMATION:
Name: <u>RON S. KING</u>	Name: _____
Address: <u>P.O. BOX 125 HUMBOLDT AZ. 86329</u>	Address: _____
Phone: <u>928-830-5648</u>	Phone: _____
Email: <u>KING.DEV@MSN.COM</u>	Email: _____

Ron S. King
Signature of owner or representative

*If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.

NEW ADDRESS FOR NEW PARCEL - 2728 S. CORRAL ST.

LAND DESCRIPTION
(Parcel 20A-1)

All that portion of Block 20, of the Revised Map of Humboldt, as recorded in Book 2 of Maps & Plats, Page 9, Located in Section 15, Township 13 North, Range 1 East, Gila & Salt River Meridian, Yavapai County, Arizona described as follows:

COMMENCING at the most northerly corner of said Block 20, a ½" rebar capped RLS 40321;

THENCE S 41°00'53"E, 80.00 feet to a ½" rebar capped RLS 40321;

THENCE S 48°57'55"W, 110.12 feet to a ½" rebar capped RLS 40321 and the TRUE POINT OF BEGINNING;

THENCE S 40°58'57"E, 120.00 feet to a ½" rebar capped RLS 40321;

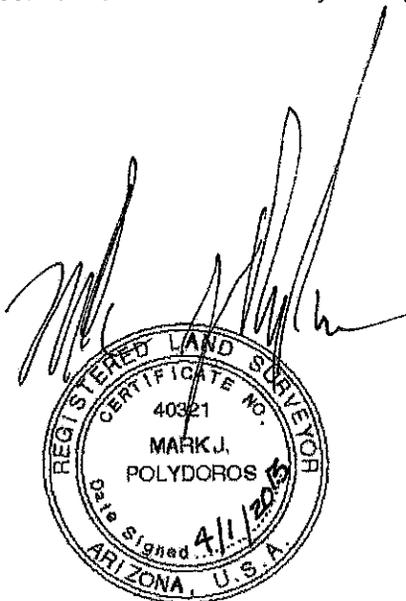
THENCE S 48°57'55"W, 84.00 feet to a ½" rebar capped RLS 23383;

THENCE N 40°58'57"W, 120.00 feet to a ½" rebar capped RLS 40321;

THENCE N 48°57'55"E, 84.00 feet to the TRUE POINT OF BEGINNING.

Containing 10,080 sq. ft.

The Basis of Bearings for the above description is from the southeast corner of said Section 15, to the East quarter corner of said Section 15, having a bearing of N 00°04'50" E.



EXPIRES: 03/31/2016

LAND DESCRIPTION
(Parcel 20A-2)

All that portion of Block 20, of the Revised Map of Humboldt, as recorded in Book 2 of Maps & Plats, Page 9, Located in Section 15, Township 13 North, Range 1 East, Gila & Salt River Meridian, Yavapai County, Arizona described as follows:

BEGINNING at the most northerly corner of said Block 20, a ½" rebar capped RLS 40321;

THENCE S 41°00'53"E, 80.00 feet to a ½" rebar capped RLS 40321;

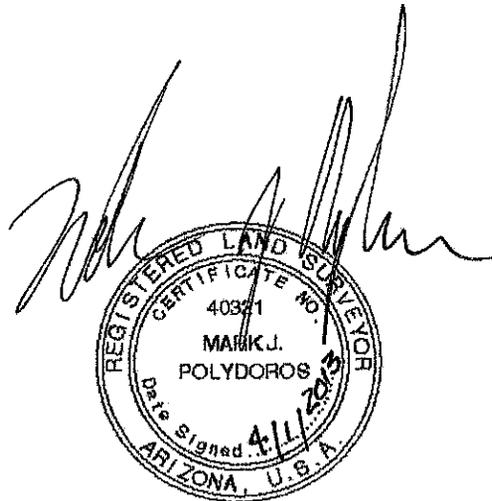
THENCE S 48°57'55"W, 194.12 feet to a ½" rebar capped RLS 40321;

THENCE N 40°58'57"W, 80.12 feet to a ½" rebar capped RLS 23383;

THENCE N 49°00'03"E, 194.08 feet to the TRUE POINT OF BEGINNING.

Containing 15,540 sq. ft.

The Basis of Bearings for the above description is from the southeast corner of said Section 15, to the East quarter corner of said Section 15, having a bearing of N 00°04'50" E.



EXPIRES: 03/31/2016

LAND DESCRIPTION
(Parcel 20A-2)

All that portion of Block 20, of the Revised Map of Humboldt, as recorded in Book 2 of Maps & Plats, Page 9, Located in Section 15, Township 13 North, Range 1 East, Gila & Salt River Meridian, Yavapai County, Arizona described as follows:

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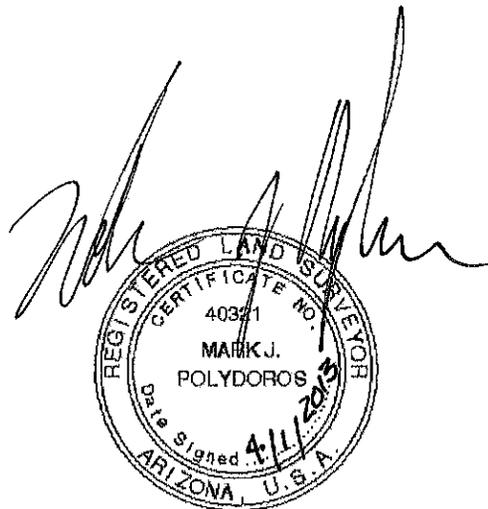
THENCE S 48°57'55"W, 194.12 feet to a ½" rebar capped RLS 40321;

THENCE N 40°58'57"W, 80.12 feet to a ½" rebar capped RLS 23383;

THENCE N 49°00'03"E, 194.08 feet to the TRUE POINT OF BEGINNING.

Containing 15,540 sq. ft.

The Basis of Bearings for the above description is from the southeast corner of said Section 15, to the East quarter corner of said Section 15, having a bearing of N 00°04'50" E.



EXPIRES: 03/31/2016

LAND DESCRIPTION
(Parcel 20A-1)

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THENCE S 41°00'53"E, 80.00 feet to a ½" rebar capped RLS 40321;

THENCE S 48°57'55"W, 110.12 feet to a ½" rebar capped RLS 40321 and the TRUE POINT OF BEGINNING;

THENCE S 40°58'57"E, 120.00 feet to a ½" rebar capped RLS 40321;

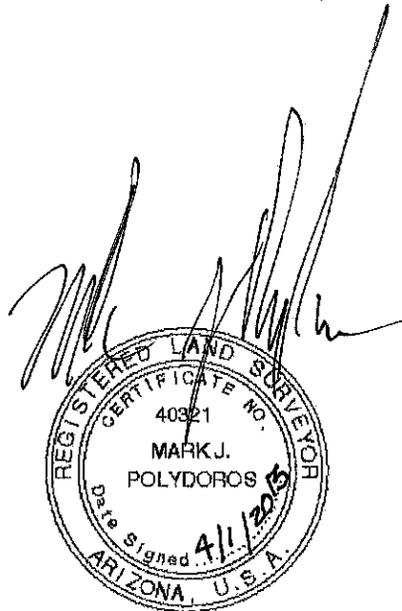
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THENCE N 40°58'57"W, 120.00 feet to a ½" rebar capped RLS 40321;

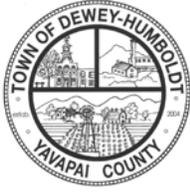
THENCE N 48°57'55"E, 84.00 feet to the TRUE POINT OF BEGINNING.

Containing 10,080 sq. ft.

The Basis of Bearings for the above description is from the southeast corner of said Section 15, to the East quarter corner of said Section 15, having a bearing of N 00°04'50" E.



EXPIRES: 03/31/2016



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

May 9, 2013 6:00 p.m. Town Council Meeting Chambers

To: Planning & Zoning Advisory Commission
From: Warren Colvin, Community Development Coordinator
For: Chair Claire Clark

Date Submitted: April 29, 2013

Agenda Item: Accessory Dwelling Units

Recommendation: Discussion and possible action on Accessory Dwelling Units, Secondary Medical Dwelling Units and Guest Homes.

Summary: ADU's are allowed in R1L, RMM and R1 zoning districts as long as they meet the required setbacks and stay under the maximum lot coverage. The Town's General Plan goals specifically state to maintain low-density, rural small town characteristics.

Secondary Medical Dwelling Units: The current Town Code only has this term in the definition section of the code. Nowhere in the Code does it say where they can be located. Staff believes that during an earlier code rewrite this was to be taken out of the code entirely but was not removed from the definitions. Staff's recommendation is to remove this definition and not pursue allowing SMDU's as they are almost impossible to enforce.

Guest Homes: After researching with other jurisdictions this seems to be the way most incorporated areas in our county are dealing with any additional dwelling unit. Some allow kitchens and others do not. Guest homes are very difficult to enforce based on time allowed to stay and making sure they do not turn into rental units.

Staff's recommendation is to allow an ADU detached in R1L-70, RMM and R1-35 zoned districts. This recommendation is contrary to the provisions of the General Plan allowing 1 dwelling unit per 70,000 square feet of property or 1 per 35,000 square feet and maintaining the low-density, rural small town characteristics but would stay in compliance with ARS 12-1134 (PROP 207) in regards to diminution in value of the property. Furthermore, staff feels that with the provisions of the ADU that the need for guest homes and secondary medical dwelling units in the code would be confusing and contradict this provision and would recommend these be removed from the code. I recommend that we come up with a maximum square footage on ADU and design standards for them also.

NOTE: Meeting outline tool provided by Chair Clark.

Attachments: Town Code – Accessory Dwelling Unit and Guest Home

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CUSTOM. Pertaining to work, service or assembly done to order for individual customers for their own use or convenience.

DEAD STORAGE. Goods not in use and not associated with any office, retail or other business use on premises in a self-storage facility or structure.

DECK. An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports without a roof.

DETACHED BUILDING. See **BUILDING**.

DIRECTIONAL SIGN. See **SIGN**.

DISTRICT. Refers to either a use district, a density district or a combination of both such districts.

DRIVE-IN RESTAURANT. Any establishment where food or beverages are dispensed through openings in the building or by service to customers in a vehicle.

DRIVE-IN THEATER. An open-air theater where the performance is viewed by all or part of the audience from motor vehicles.

DWELLING. A building containing one dwelling unit with an adequate approved sanitary sewage disposal system.

DWELLING (MULTIPLE). A building containing two or more dwelling units.

DWELLING UNIT. A room (or group of rooms) designed for one or more persons living and cooking as one homogeneous body (see **FAMILY**) and containing one accommodation for preparation of meals. A **DWELLING UNIT** does not include lodging as defined in this chapter.

DWELLING UNIT, ACCESSORY (ADU). A second separate unit that is attached or detached to the primary dwelling that may be used for a separate additional living unit, and may include separate

kitchen, sleeping, and bathroom facilities, on a single family lot. **ADUs** are subordinate in size, location, and appearance to the primary unit.

EDUCATIONAL INSTITUTION. Any institution (including charter schools) established for the purposes of offering instruction acceptable to the educational authorities within the school district of jurisdiction in several branches of learning and study to pupils in programs for preschool children with disabilities, kindergarten programs or any combination of grades one through 12 but not including stand-alone business colleges, riding academies or trade, art, music, dancing, nursery or vocational schools. Can include an elementary school, high school, college, university or similar facility.

FAMILY.

(1) An individual, or two or more persons related by blood, marriage or adoption, or other legal relationship including any live-in domestic help, living together as a single housekeeping unit in a dwelling unit; or

(2) A group of not more than eight persons who need not be related but function as a family customarily living together as a single housekeeping unit in a dwelling unit; this includes a residential facility duly licensed by the state for the developmentally disabled, family foster home, adult foster care or similar residential facility.

FARM ANIMALS. Animals other than household pets that shall, where permitted, be permitted to be kept and maintained for commercial production and sale and/or family food production, education or recreation. **FARM ANIMALS** are identified as being, e.g., horses, cattle, sheep, goats, rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons, llamas and alpacas. See also § 153.066(E) and (F).

FENCE. A barrier constructed of materials such as solid wood slats and chain link. Pipe rail and barbed wire are permitted in residential zones, only. If a multi-strand barbed wire fence is used, the bottom

strand must be of smooth wire, only. Barriers constructed with materials not designed for fencing are not included in this definition of a *FENCE*.

FLOOR AREA. See *BUILDING FLOOR AREA*.

FREIGHT STATION. A facility for loading, unloading and warehousing of freight.

FREIGHT TERMINAL. A facility for loading and unloading of freight for current distribution but not warehousing.

GARAGE (PRIVATE). An accessory building occupied primarily by the passenger motor vehicles of the families residing on the same lot.

GARAGE (PUBLIC). Any building, other than that defined as a private garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GRADE (ADJACENT NATURAL GROUND ELEVATION). The lowest point of elevation of the natural surface of the ground, within the area between the building and a line five feet from the building.

GROSS VEHICLE WEIGHT (GVW). The sum total of the weight of a vehicle plus the vehicle's maximum load capacity.

GUEST HOME. A secondary structure meeting the applicable zoning district requirements as to construction type not exceeding 750 square feet or 25% of the total square footage of building area under roof whichever is larger of the primary residential structure and meeting primary structure setbacks of the pertinent zoning district. Used to house a nonpaying or nonreimbursing relative or guest on an intermittent basis, with stay not to exceed a total of 120 days over a continuous 12-month period by the same guest or person(s).

GUESTROOM. One or more rooms intended for occupancy overnight (or longer) by other than

members of the family. If it contains cooking facilities it is deemed a dwelling unit.

HOME OCCUPATION. A use within a primary dwelling or in an attached or detached structure carried on by residents thereof for gain, which use is merely incidental to the residential use and does not change the character thereof by display or otherwise.

HOSPITAL. A place for the treatment or care of human ailments, and, unless otherwise specified, the term shall include sanitarium, clinic, maternity home, rest home, convalescent home and similar.

HOTEL. A building other than a boarding house, which building contains more than five guestrooms and where entrance to the sleeping rooms or apartments is from a common entrance or lobby used primarily for lodging on a daily or weekly basis. For density formula purposes, two such guestrooms may be counted as one dwelling unit.

HOTEL (APARTMENT). A building or group of buildings containing a number of independent suites of rooms for dwelling purposes and in which at least one common dining room is provided. For density formula purposes, each two guestrooms may be counted as one dwelling unit.

INSPECTOR. See *CODE ENFORCEMENT OFFICER*.

INTERIOR LOT. See *LOT*.

JUNK YARD. See *YARD*.

KENNEL. Any place where seven or more dogs are owned, kept, boarded, bred and/or offered for sale.

KEY LOT. See *LOT*.

KINDERGARTEN. Same as *NURSERY SCHOOL*, except when operated in conjunction with a school of general instruction and having accredited instruction.

permitted use or structure) shall be deemed prohibited and unlawful (nor shall same be considered an accessory use or structure for the district).

(2) Land disposals, solid waste landfills and any similar storage or processing-facilities of solid waste are prohibited in all use districts within the town. This prohibition does not restrict the development of a waste-water treatment facility for the treatment of waste produced by a development for business or residential uses, in accordance with regulations of ADEQ/EPA and other regulatory agencies.

(3) Only if the limitations of this division, and other uses specifically prohibited in specific use districts, are amended or limited by legislative change or judicial interpretation, then any deviation from the strict interpretation, application and enforcement of such provisions shall require application for the issuance of a conditional use permit by the proposed user and/or property owner, and the approval and issuance of such conditional use permit by the Town Council. The application for such must illustrate how external effects shall be mitigated through the term of such use (air, subterranean, noise, glare and/or aesthetic). Otherwise, no use permit is available.

(B) *Zoning Districts.* The following comprises the various zoning districts and their order (from higher to lower) in applying the change of use provisions of the chapter:

R1L District	(Residential; Single Family Limited)
RMM District	(Residential; Multi-Sectional Manufactured Homes)
R1 District	(Residential; Single Family)
RCU District	(Residential; Rural)
R2 District	(Residential; Multi-Family)
RS District	(Residential and Services)
C1 District	(Commercial; Neighborhood Sales and Services)

C2 District	(Commercial; General Sales and Services)
C3 District	(Commercial and Minor Industrial)
PM District	(Performance Industrial)
M1 District	(Industrial; General Limited)
M2 District	(Industrial; Heavy)
PAD District	(Planned Area Development)
RCD District	(Residential Camping District)
OS District	(Open Space Resource Conservation Zone)
Overlay Zones	

(Ord. 08-44 § 400, passed 10-21-2008; Am. Ord. 09-50, passed 4-21-2009)

§ 153.036 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED)

Permitted uses for the R1L District (Residential; Single Family Limited to site built structures only) are as follows in this section.

(A) Where no zoning/density district has been combined, then all provisions of Density District 10 shall prevail (see § 153.069, most common ones shown in chart below).

(B) (1) Dwelling unit (site built) for one family on any one lot;

(2) Religious institutions (in permanent site-built buildings);

(3) Educational institutions (publicly funded) as defined in § 153.005 under **BUILDING (SITE BUILT)**;

(4) Community parks, playgrounds or centers when part of a community plan;

(5) Public utility facilities (but not business offices nor repair or storage facilities) when necessary

for serving the surrounding territory on one acre or less following administrative review with comment period;

(6) When in conjunction with an approved development plan, golf courses with accessory uses such as pro shops, shelters, restrooms and the like (but not commercial driving ranges or miniature putting courses). Subject to the performance standards set out in § 153.075;

(7) Accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures, and including the following):

(a) Farm animals (except swine) on lots of no less than 70,000 square feet for the convenience and pleasure of the lot owner or occupant, not to exceed the number allowed as per the Allowed Animal Chart in § 153.066. Stables, barns or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit;

(b) Swimming pools in other than the front yard primary use setback area in compliance with design guidelines in § 153.090;

(c) Quarters for servants and/or nonpaying guests attached to the dwelling (facilities for preparation of food are prohibited);

(d) Temporary construction offices and construction sheds and yards incidental to a recorded subdivision development or other on-site construction project for a period not exceeding 24 months from date of plat recordation or date of issuance of construction project permit with no permits (other than electrical permits) required to install same (prohibited closer to lot boundary than is allowed for a principal building in the district);

(e) Open land carnival and recreation facilities accessory to religious or educational institutions (confined to same lot);

(f) Temporary on-site sales (real estate) facility only as defined in § 153.005 in

compliance with the regulations and performance standards outlined under § 153.088;

(g) Household pets;

(h) Fences and freestanding walls;

(i) Parking facilities to meet no less than the minimum requirements as provided under § 153.110;

(j) Educational institutions as defined in § 153.005 but privately funded, allowed as an accessory use to a religious institution; and

(k) Accessory dwelling unit.

(8) Occupancy of temporary housing, including travel trailers, recreational vehicles and single-wide manufactured homes during the construction of a permanent dwelling is allowed during the 24-month period after the issuance of a building permit (and the building permit remains valid). A permit for the temporary housing must be obtained prior to occupancy of the temporary dwelling unit. One extension of time for use of a recreational vehicle, travel trailer or single-wide manufactured home as temporary housing may be granted at the discretion of the Community Development Director or Zoning Administrator or his/her designee for a period not to exceed the maximum life of the original building permit for the permanent dwelling which is 30 months from its issuance date (24 months plus one six-month extension). Further extensions will require a use permit.

(9) Bed and breakfast homestays as defined under § 153.005, subject to performance standards set out in § 153.068 for homestays with administrative review with comment period.

(10) Detached guest homes as defined under § 153.005, subject to the performance standards set out in § 153.072, with a minimum parcel size of 70,000 square feet.

(11) Home occupations as defined under § 153.005, subject to approval by the Development Services Director or Zoning Administrator or his/her designee; home occupation shall comply with the regulations and standards set out in § 153.077.

<i>Zoning/Density Regulations (in feet unless otherwise noted)</i>									
<i>Dist.</i>	<i>Min Lot Size (in Sq. Ft. per Dwelling)</i>	<i>Min Lot Width and Depth</i>	<i>Min Yard Setbacks</i>				<i>Max Building Height (Stories/ Feet)</i>		<i>Max Lot Coverage (Percent)</i>
			<i>Min Building Spacing is 10 Feet All Classes</i>						
			<i>Front</i>	<i>Rear</i>	<i>Interior</i>	<i>Exterior</i>			
7.5	7,500	75	20	25	7	10	2	30	50
10	10,000	80	20	25	7	10	2	30	40
12	12,000	90	20	25	7	10	2	30	40
18	18,000	100	30	30	10	15	2	30	25
25	25,000	130	30	30	10	15	2	30	20
35	35,000	145	40	40	20	20	2	30	15
70	70,000	200	50	50	25	30	2	30	15
2A	87,120	225	50	50	25	30	2	30	10
175	175,000	300	50	50	30	50	2	30	10
5A	217,800	325	50	50	40	50	2	30	10
10A	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	500	50	50	50	50	2	30	5

(Ord. 08-44 § 410, passed 10-21-2008; Am. Ord. 11-80, passed 2-1-2011)

§ 153.037 RMM DISTRICT (RESIDENTIAL; MULTI-SECTIONAL MANUFACTURED HOMES).

Permitted uses for RMM (Residential; Single Family; site-built, factory built and Multi-Sectional Manufactured Homes, no single-wide manufactured homes or mobile homes) are as follows in this section.

(A) Where no zoning/density district has been combined, then all provisions of Density District 10 shall prevail (see § 153.069, most common ones shown in chart below).

(B) (1) All principal and accessory uses and structures permitted in the R1L Zoning District;

(2) Multi-sectional manufactured homes, as defined under § 153.005. To be permitted, multi-sectional manufactured homes must conform to all provisions set out in §§ 153.005 and 153.082;

(3) Factory built dwelling as defined under § 153.005;

(4) Accessory dwelling unit;

(5) Steel storage containers to meet the minimum requirements as provided under § 153.086; and

(6) Educational institutions (publicly funded) as defined in § 153.005 (in any permitted buildings).

<i>Zoning/Density Regulations (in feet unless otherwise noted)</i>									
<i>Dist.</i>	<i>Min Lot Size (in Sq. Ft. per Dwelling)</i>	<i>Min Lot Width and Depth</i>	<i>Min Yard Setbacks</i>				<i>Max Building Height (Stories/Feet)</i>		<i>Max Lot Coverage (Percent)</i>
			<i>Min Building Spacing is 10 Feet All Classes</i>						
			<i>Front</i>	<i>Rear</i>	<i>Interior</i>	<i>Exterior</i>			
7.5	7,500	75	20	25	7	10	2	30	50
10	10,000	80	20	25	7	10	2	30	40
12	12,000	90	20	25	7	10	2	30	40
18	18,000	100	30	30	10	15	2	30	25
25	25,000	130	30	30	10	15	2	30	20
35	35,000	145	40	40	20	20	2	30	15
70	70,000	200	50	50	25	30	2	30	15
2A	87,120	225	50	50	25	30	2	30	10
175	175,000	300	50	50	30	50	2	30	10
5A	217,800	325	50	50	40	50	2	30	10
10A	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	500	50	50	50	50	2	30	5

(Ord. § 411, passed 9-4-2008)

§ 153.038 R1 DISTRICT (RESIDENTIAL; SINGLE FAMILY).

Permitted uses for the R1 District (Residential; Single Family; site built, multi-sectional and manufactured) are as follows in this section.

(A) Where no zoning/density district has been combined, then all provisions of Density District 10 shall prevail (see § 153.069, most common ones shown in chart below).

(B) (1) All principal and accessory uses and structures permitted in the R1L and RMM Districts, Manufactured Housing and Mobile Homes as set forth under § 153.082;

(2) Manufactured homes are permitted as a dwelling unit for a single family on an individual lot or parcel as set forth in § 153.005 and subject to § 153.082;

(3) Additional accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures and including the following):

(a) Roomers or boarders, not to exceed two for any one dwelling unit;

(b) Farm animals (except swine) on lots of no less than 35,000 square feet for the convenience and pleasure of the lot occupants, not to

exceed the number allowed as per the Allowed Animal Chart in § 153.066. Stables, barns or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit; and

- (4) Accessory dwelling unit.

<i>Zoning/Density Regulations (in feet unless otherwise noted)</i>									
<i>Dist.</i>	<i>Min Lot Size (in Sq. Ft. per Dwelling)</i>	<i>Min Lot Width and Depth</i>	<i>Min Yard Setbacks Min Building Spacing is 10 Feet All Classes</i>				<i>Max Building Height (Stories/ Feet)</i>		<i>Max Lot Coverage (Percent)</i>
			<i>Front</i>	<i>Rear</i>	<i>Interior</i>	<i>Exterior</i>			
7.5	7,500	75	20	25	7	10	2	30	50
10	10,000	80	20	25	7	10	2	30	40
12	12,000	90	20	25	7	10	2	30	40
18	18,000	100	30	30	10	15	2	30	25
25	25,000	130	30	30	10	15	2	30	20
35	35,000	145	40	40	20	20	2	30	15
70	70,000	200	50	50	25	30	2	30	15
2A	87,120	225	50	50	25	30	2	30	10
175	175,000	300	50	50	30	50	2	30	10
5A	217,800	325	50	50	40	50	2	30	10
10A	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	500	50	50	50	50	2	30	5

(Ord. § 412, passed 9-4-2008)

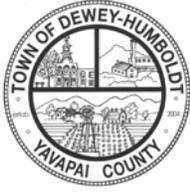
§ 153.039 RCU DISTRICT (RESIDENTIAL; RURAL).

Permitted uses for the RCU District (Residential; Single Family; Rural) are as follows in this section.

(A) This RCU District is intended to provide a zoning classification for all areas of the town not presently characterized by urban uses. Notwithstanding any other provision of this chapter, including any density designation, no lot or parcel zoned RCU shall have a density less than two acres.

(B) (1) All uses allowed in the R1L, RMM and R1 Districts; and

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

May 9, 2013 6:00 p.m. Town Council Meeting Chambers

To: Planning & Zoning Advisory Commission
From: Warren Colvin, Community Development Coordinator
For: Chairperson Claire Clark

Date Submitted: April 29, 2013

Agenda Item: Illegal Lot Divisions

Recommendation: Discussion and possible action for establishing rules on how to handle illegal lot divisions.

Summary: After researching this topic, it is not an isolated problem that we in Arizona deal with - it is an issue all over the country. Most jurisdictions find themselves in a policing problem and do not discover an illegal lot division until an application for a building permit is filed. Then the jurisdiction faces the issue of not issuing a permit until the owner of the property has filed the necessary paperwork with the jurisdiction to make the lot comply with the zoning code. This creates a problem for the owners of the property because they did not do proper background on the property prior to purchase and then find themselves in this situation; they did not create the problem and now are forced to rectify it.

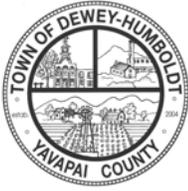
Staff's recommendation is that when an illegal lot divisions is discovered that the applicant not be issued any kind of permit until the property has gone through the proper steps as outlined in the Town Code to bring the site into compliance. Making any other kind of concession on this issue would only punish the person that follows the proper procedure and does it right.

After last month's workshop Commissioner Dewitt notified me that Steve Mauk, Director of Yavapai County Development Services, had a meeting with the County Recorder and the County is going to have plaques made stating any applicant must have local jurisdiction approval prior to recording any documents.

Staff feels that with this added notification at the Recorder's office that every effort has been made (along with future newsletter articles) to help educate the citizens.

Attachment: Land Split Procedure Checklist; Development Application; Town Code - Lot Split Procedure and Non-Conforming Use; Photo – County notice

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TOWN OF DEWEY-HUMBOLDT
"Arizona's Country Town"

Land Split Procedure Checklist
Community Development Department
P.O. BOX 69
HUMBOLDT, AZ 86329

www.dhaz.gov

Phone: 926-632-856 Fax: 928-632-7365

STEPS FOR COMPLETING A LAND SPLIT

- Determine the number of Land Splits that have already occurred. Land Splits are limited to the creation of 3 parcels within the original parcel without prompting subdivision requirements (this includes contiguous parcels owned by same owner).
- Determine the zoning district for the parcel to be divided (<http://www.co.yavapai.az.us/>).
- Make sure that the Land Split conforms to the Town's minimum zoning requirements (i.e., parcel size, ingress/egress, setbacks, etc.). You must provide proof to indicate that the proposed parcels will have irrevocable ingress and egress rights to the nearest public right-of-way.
- Complete a Sketch Plan of the Land Split proposal; if questionable, have the property surveyed to confirm compliance to the zoning regulations. Attached is a recommended form for the Sketch Plan and requirements.
- Obtain a Title Report (including Schedule B) or copy of one less than 6 months old.
- Complete the Development Application and submit it with the Sketch Plan and a current Title Report (including Schedule B) to the Town for initial staff review. Following the review, the application will be tentatively approved or a letter of denial will be issued.
- Upon a successful review of the Sketch Plan by Town staff, the applicant must then provide a scaled Final Map of the proposed Land Split prepared by an engineer or land surveyor duly licensed by the State of Arizona. The scaled Final Map will be checked for compliance with the Town's Land Split regulations.
- Take the approved application, Land Split Final Map, and associated legal documentation to the Yavapai County Assessor's Office (928-771-3220) and Recorder's office (928-771-3244) at 1015 Fair Street, Prescott, to finalize the process.
- If the tentative approval for the Application is denied, consider whether an Appeal would be appropriate. You can request an Appeal through the Board of Adjustments.

CHECKLIST

Graphic Requirements per Section 3.C. Dewey-Humboldt Land Subdivision Regulations Requirements for the Sketch Plan: Minimum 18" x 24" Plan Size

A Sketch Plan is drawing or sketch showing the proposed Land Split. The drawing should be fully dimensioned and prepared at a scale which maintains legibility. The drawing or sketch may be drawn on the sheet provided with the application or be of a size large enough to convey the required information as follows:

1. Legal description or Assessor's Parcel Number.
2. The boundaries of the original parcel prior to the Land Split.
3. Proposed parcels (lots) fully dimensioned.
4. The rights-of-way adjacent to or within the property, including streets and easements.
5. The locations and dimensions of existing structures.
6. The setbacks of existing buildings and structures from existing and proposed property lines.
7. The placement of existing wells and septic systems will be identified on the Final Map

Requirements for the Final Map:

The Final Map shall be prepared by an Arizona-Licensed Engineer or Land Surveyor on Mylar film as is acceptable to the Yavapai County Recorder. The size of the map shall be a minimum of 18 inches by 24 inches or 24 inches by 36 inches with a left margin of 2 inches and shall include the following information:

1. Name, address and telephone number of the property owner(s)
2. Name, address and telephone number of the engineer or land surveyor preparing the map including professional seal.
3. General Plan and Zoning District designations for the site.
4. Graphic and written scale, north indicator (up or to the right), location map (n.t.s.) and the date of preparation.
5. Legal descriptions including area (square feet & acres) for each parcel.
6. The boundaries of the original parcel prior to the Land Split.
7. Proposed parcels (lots) fully dimensioned.
8. The rights-of-way adjacent to or within the property, including streets and easements.
9. The locations and dimensions of existing structures.
10. The setbacks of existing buildings and structures from existing and proposed property lines.
11. The placement of existing wells and septic systems.

Design Considerations:

1. Topography of land – Suitable areas for locating building pad, septic systems and wells.
2. Locations of washes and floodplains
3. Locations of easements – Allow for setbacks from road easements (setbacks are measured from the road easement line, but not utility easements).
4. Placement and spacing of driveway encroachments onto public rights-of-way.

TOWN OF DEWEY-HUMBOLDT

DEVELOPMENT APPLICATION

PROJECT DESCRIPTION:

<input type="checkbox"/> General Plan Amendment - Major	<input type="checkbox"/> General Plan Amendment – Minor	<input type="checkbox"/> Pre-Application
<input type="checkbox"/> Community Master Plan	<input type="checkbox"/> Major Use / Site Plan	<input type="checkbox"/> Preliminary plat
<input type="checkbox"/> Commercial Design Review	<input type="checkbox"/> Annexation	<input type="checkbox"/> Zoning Clearance
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Abandonment	<input type="checkbox"/> Rezone
<input type="checkbox"/> Land split (3 parcels max)	<input type="checkbox"/> Lot Combine	<input type="checkbox"/> Variance
<input type="checkbox"/> Area Plan / Amendment	<input type="checkbox"/> Final Plat / Amendment	<input type="checkbox"/> Land Use District
<input type="checkbox"/> Other _____		

LEGAL DESCRIPTION:

Property Address: _____

Number of Lots / Units Proposed: _____

Assessor's Parcel Number: _____ Parcel Size (Acres): _____

Existing Land Use District: _____ Proposed Land Use District: _____

Plat Name: _____ Block: _____ Lot: _____ Tract: _____

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

<input type="checkbox"/> Water _____	<input type="checkbox"/> Gas _____	<input type="checkbox"/> Sewer _____
<input type="checkbox"/> Phone _____	<input type="checkbox"/> Electric _____	<input type="checkbox"/> Cable _____

Describe Public Access to Property:

FEES

Base Fees: _____ Other Fees: _____ Other Fees: _____ Subtotal: _____ Total: _____

*APPLICANT / CONTACT INFORMATION:	OWNER INFORMATION:
Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____	Phone: _____
Email: _____	Email: _____

Signature of owner or representative

*If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.

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CHAPTER 152: SUBDIVISION REGULATIONS

Section

- | | | |
|--------|--|---|
| 152.01 | Scope of land splits and subdivision regulations | (2) To ensure conformance of land subdivision plans with the public improvement plans of the town, and coordination with those of the county, region and state. |
| 152.02 | Definitions | |
| 152.03 | Classification of land splits and subdivisions | |
| 152.04 | Pre-application conference | (3) To encourage well-planned subdivisions by establishing adequate standards for design and improvements. |
| 152.05 | Land splits and large land division procedure | |
| 152.06 | Sketch plan procedure and requirements | (4) To improve land survey monuments and records by establishing standards for survey and plots. |
| 152.07 | Preliminary plat procedures and requirements | |
| 152.08 | Final plat procedures and requirements | (5) To secure equitable handling of all subdivision plans by providing uniform procedures and standards. |
| 152.09 | Street design and subdivision standards | |
| 152.10 | Assurances, guarantees, improvements, inspections and releases | (6) To preserve natural vegetation and cover, and promote the natural beauty of the town. |
| 152.11 | Amendments, revisions, replat and additional authorities | (7) To prevent erosion, sedimentation or other pollution of surface or subsurface water. |
| 152.99 | Penalty | (8) To prevent flood damage to persons and properties. |

§ 152.01 SCOPE OF LAND SPLITS AND SUBDIVISION REGULATIONS.

(A) *Applicability.* No plat of a subdivision (see definition) or deed creating a new parcel shall be approved by the Department, Planning Commission or Town Council unless it conforms to the provisions of this chapter and the Zoning Ordinance.

(B) *Purpose.*

(1) To promote the health, safety and general welfare of the residents of the town.

(9) To restrict building in areas poorly suited for building or construction.

(10) To plan for adequate space for future development of schools and parks to serve the population where appropriate.

(11) To assure the planning for the provision of an adequate and safe source of water and means of sewage disposal.

(Ord. 09-51, passed 4-21-2009)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADEQ. The Arizona Department of Environmental Quality, a state agency that administers programs ensuring that qualities of air and water meet healthful, regulatory standards.

ADWR. Arizona Department of Water Resources, a state agency that administers use and availability of water resources including those within an Active Management Area (AMA) for compliance with the Groundwater Management Code.

COMMISSION. The Town of Dewey-Humboldt Planning and Zoning Advisory Commission.

COUNCIL. The Town Council of the town.

DESIGN. Street alignment, grades and widths; alignment and widths of easements and rights-of-way for ingress, egress and drainage, and where appropriate for water systems and sanitary sewers; and the arrangement and orientation of lots.

DEPARTMENT. The Community Development Department which is designated to receive and review all land use permit applications, facilitate planning issues and to carry out the purposes of this chapter.

EASEMENT. A right held by one property owner to make use of the land of another for a limited purpose (e.g. an access easement for ingress and egress).

IMPROVEMENT. Required installations, pursuant to this chapter and other subdivision regulations, including grading, sewer and water utilities, streets, easements, traffic control devices as a condition to the approval and acceptance of the final plat thereof.

LAND SPLIT. 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 where no new street is involved.

LARGE LAND DIVISION. Land whose area exceeds two and one-half acres in size and is proposed for division into less than four parcels or lots without involving the creation of a new street, for the purpose of selling or leasing the proposed parcels or lots.

MAJOR SUBDIVISION. See the definition of **SUBDIVISION**.

MINOR SUBDIVISION. The division of improved or unimproved land into two or three tracts or parcels of land and where a new street is involved, for the purpose of sale or lease; or, a "subdivision", as defined in this section, which contains ten or less lots, tracts or parcels.

PLAT. A map of a subdivision:

(1) **PRELIMINARY PLAT.** A preliminary map, including supporting data, indicating a proposed subdivision design prepared in accordance with the provisions of this chapter and those of any local applicable ordinance.

(2) **FINAL PLAT.** A map of all or part of a subdivision essentially conforming to an approved preliminary plat, prepared in accordance with the provision of this chapter, those of any local applicable ordinance and state statute.

RECORDED PLAT. A final plat bearing all of the certificates of approval required by this chapter, any local applicable ordinance and state statute.

RIGHT-OF-WAY. Any public or private right-of-way and includes any area required for public use pursuant to any general or specific plan as adopted by the town.

SKETCH PLAN. An informal plan indicating relevant existing features of a tract of land and its surroundings and the general layout of the proposed development of the property.

STREET. Any existing or proposed passageway that affords a principal means of vehicular access to abutting property including street, avenue, boulevard, road, lane, walk, alley, parkway, place, bridge, highway, freeway, expressway, viaduct or easement for public or private vehicular access; or a street shown in a plat heretofore approved pursuant to law; or a street in a plat duly filed and recorded in the county recorder's office. Streets include common driveways and all land within the street right-of-way whether improved or unimproved, and include such improvements as pavement, shoulders, curbs, gutters, bikeways, pedestrian pathways, sidewalks, parking space, bridges and viaducts.

SUBDIVIDER. A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and initiates proceedings for the subdivision of land in accordance with the provisions of this chapter, any local applicable ordinance and state statute, except that an individual serving as agent for such legal entity is not a subdivider.

SUBDIVISION. 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 which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts.

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. **SUBDIVISION** does not include the following:

(1) The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.

(2) The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.

(3) The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

SUBDIVISION REGULATIONS. This chapter's regulating of the design and improvement of subdivisions enacted under the provisions of this chapter or any other regulations for the design and improvement of infrastructure.
(Ord. 09-51, passed 4-21-2009)

§ 152.03 CLASSIFICATION OF LAND SPLITS AND SUBDIVISIONS.

(A) *Land split.*

(1) Land split creating not more than three parcels and where no new street is involved.

(2) Requirements and processing. Proposed land splits shall require a pre-application conference (§ 152.04), documentation of land division history, review of preliminary documents, final application submittal and all documents and filing fees required in accordance with § 152.05.

(B) *Large land division.*

(1) A division of land containing over 2.5 acres into less than four new parcels or lots, where no new street is involved.

(2) Requirements and processing. Proposed large land divisions shall require a pre-application conference, documentation of land division history, review of preliminary documents, final application submittal and all documents and filing fees required in accordance with § 152.05.

(C) *Minor subdivision.*

(1) A subdivision containing ten or less lots and/or condominium units).

(2) Requirements and processing. Proposed minor subdivisions shall require pre-application conference (§ 152.04), sketch plan (§ 152.06) and final plat filing (§ 152.08), processing, and approval. The preliminary plat stage shall not be required.

(a) All applicable materials and information required to be submitted in the sketch plan (§ 152.06) shall be submitted along with applicable filing fees; in addition, other required materials and information shall be submitted at the time of the final plat (§ 152.08) stage.

(b) The final plat (§ 152.08) submittal shall incorporate staff review comments provided during the sketch plan staff conference. The Planning Commission shall review the final plat and prepare a recommendation to the Town Council.

(D) *Major subdivision.*

(1) A subdivision containing more than ten lots and/or condominium units.

(2) Requirements and processing. Proposed major subdivisions shall require pre-application

conference (§ 152.04), sketch plan (§ 152.06), preliminary plat (§ 152.07) and final plat filing (§ 152.08), processing, and approvals.

(a) All applicable materials and information required to be submitted in the sketch plan (§ 152.06) shall be submitted along with applicable filing fees.

(b) All applicable materials and information required to be submitted in the preliminary plat (§ 152.07) shall be submitted along with applicable filing fees, and shall incorporate staff review comments provided during the sketch plan staff conference. The Planning Commission shall review the preliminary plat and prepare a recommendation to the Town Council.

(c) The final plat (§ 152.08) submittal shall substantially conform to the approved preliminary plat and incorporate any Council comments and stipulations provided during the approval of the preliminary plat. The Planning Commission shall review the final plat and prepare a recommendation to the Town Council.

(d) The chart and notes below summarize the procedures and requirements of the various types of land splits, divisions and subdivisions. Procedural steps are described fully in the following sections.

Requirements for the town	Pre-App Mtg	Application and fee	Plan and Division history	Record of survey	Sketch Plan - staff	Water Certificate	Preliminary Plat		Final Plat	
							Plan'g Comm	Council	Plan'g Comm	Council
Land Split - area <2.5 acres into 3 or less parcels	X	X	X	X						
Large Land Division area >2.5 acres into 3 or less parcels	X	X	X	X						

Requirements for the town	Pre-App Mtg	Application and fee	Plan and Division history	Record of survey	Sketch Plan - staff	Water Certificate	Preliminary Plat		Final Plat	
							Plan'g Comm	Council	Plan'g Comm	Council
*ADWR Minor Subdivision <6 lots all with less than 36 acres each	X	X			X				X	X
Major Subdivision More than 10 lots all with less than 36 acres each	X	X			X	X	X	X	X	X
Revision of plat. Redivision for more lots than original plat	X	X				X	X	X	X	X
** Unsubdivided lands . parcels, each >36 acres and <160 acres										

* Arizona Department of Water Resources (ADWR) regulates subdivisions defined in A.R.S. § 32-2101 as a subdivision proposed for division into six or more lots or parcels.

Note: all subdividers or developers of proposed Major or Minor Subdivisions with more than five lots or parcels, are required to obtain a certificate of assured water supply, designation of adequate water or other designation from the director of ADWR in compliance with A.R.S. Title 45 regulations, prior to presenting a plat for approval by the town.

** "Unsubdivided Lands" refers to land divided for the purpose of sale or lease into six or more parcels, each containing 36 acres or more, but less than 160 acres each, as per A.R.S. § 32-2101.

(Ord. 09-51, passed 4-21-2009)

§ 152.04 PRE-APPLICATION CONFERENCE.

(A) A pre-application meeting with Community Development Department staff is required as part of any application submittal for a land split or subdivision. This meeting is intended to review the initial proposal prior to preparation of final applications or sketch plans while the proposed land split or subdivision is still in conceptual form. The meeting is also intended to provide the appropriate information to an applicant regarding, but not limited to, conformance with zoning requirements, subdivision classification and regulations, the purpose of these regulations and the town's general plan or specific area plans, considerations for access,

floodplains and drainage areas, water and septic systems. During the meeting, staff will also provide advice and assistance regarding filing procedures, improvements required, and subdivision and street design considerations.

(B) The applicant should have conceptual-type drawings and documents showing the proposed land split, proposed access, and as applicable, the lot/street layout, topography, and drainage issues. The purpose of the pre-application meeting is to provide preliminary identification of potential issues. Concerns set forth in this pre-application meeting shall be addressed in the plat or final application submittal. The pre-application conference is not intended as a

complete analysis. Attendance of the applicant's engineer and/or development team is strongly encouraged but not required. The applicant is required to contact a staff member to set up an appointment. (Ord. 09-51, passed 4-21-2009)

§ 152.05 LAND SPLITS AND LARGE LAND DIVISION PROCEDURE.

(A) *Preliminary processing.*

(1) Proposed land splits and large land divisions shall require a pre-application conference (see § 152.04), at which the property owner and department shall discuss the proposal, regulations and options for further consideration of proceeding with a land split application described below.

(2) Application, together with filing fees, and the following documents shall be filed by the applicant.

(a) Legal description and assessors parcel number.

(b) A land split or large land division drawing showing the proposed land split or division, fully dimensioned and prepared at a scale which maintains legibility, showing the following information:

1. The boundaries of the original parcel prior to the land split.

2. Proposed parcels, with parcel lines fully dimensioned.

3. The rights-of-way adjacent to or within the property, including streets and recorded easements and proposed easements to be recorded for ingress/egress and utilities.

4. The locations and dimensions of any existing structures with setbacks of existing buildings and structures from existing and proposed property lines.

5. The placement of existing wells and septic systems.

(c) Documentation of the land division history of the parcel. Documentation may consist of assessor's maps and records, deeds, title history search, or any other information that would credibly show the number of land divisions that have occurred from the original parcel since July 1, 2005.

(d) If applicable, a copy of any easement and/or required agreement, or other legal document which permits shared facilities.

(B) *Review of preliminary documents.* The documents submitted noted above in preliminary processing shall be reviewed by the department for the following, which could result in the denial of the land split:

(1) The parcels resulting from the split or division not conforming to size, width/depth requirements and other zoning regulations;

(2) A parcel or adjacent property becoming landlocked, without legal access; and/or

(3) The division of land, based on the documentation of its land division history, would result in a subdivision as defined in § 153.005 (i.e. four or more parcels)

(C) *Final application submittal.* Upon satisfactory review and determination by the Department and prior to final approval and recording, the property owner shall submit:

(1) A completed application, filing and recording fees; and

(2) A record of survey of the proposed land split or large land division produced by a registered land surveyor (RLS) licensed in the State of Arizona; the record of survey shall be sealed and signed by the RLS and contain the boundaries of the original parcel prior to the land split or large land division, the proposed parcels with parcel lines fully dimensioned,

and the rights-of-way adjacent to or within the property, including streets and recorded easements and proposed easements to be recorded for ingress/egress and utilities;

(3) The record of survey shall contain the recording data (book and page numbers) of the access easements for ingress and egress, existing or proposed for creation of the land split or large land division; such easements shall meet the standards specified in § 152.09 Subdivision and Street Design Standards. Note: the recorded access easement shall contain a provision for the construction of the roadway within the access easement and its maintenance by the property owner until such time as the town may accept the roadway easement, after inspection finding that the roadway has been built to town design standards.

(4) The record of survey for a large land division shall contain a statement indicating that such created parcels or lots may not be further divided or split without complying with requirements of the subdivision regulations of the town. Such statement shall be included in the deed of title to each parcel or lot.

(Ord. 09-51, passed 4-21-2009)

§ 152.06 SKETCH PLAN PROCEDURE AND REQUIREMENTS.

(A) Purpose and process.

(1) The purpose of the sketch plan is to determine the feasibility of the proposed development and the capacity of the land to support such development.

(2) To avoid unnecessary and costly revisions, the subdivider shall as specified by these regulations submit a sketch plan of the proposed development after a pre-application meeting with Community Development Department staff. The sketch plan shall be circulated to and reviewed by town and related reviewing agencies to discover development opportunities or apparent constraints prior to accepting a subdivision plat submittal.

(3) A sketch plan submittal is a precursor to any plat submittal in order to consider the following circumstances:

(a) Development adjoins different existing zoning classification(s).

(b) Project development is to occur in multiple phases.

(c) Difficult development constraints exist such as:

1. Topography.
2. Limited or difficult access.
3. Limited existing or available utilities.
4. Within FEMA Floodplain or encumbered by numerous washes or arroyos exhibiting unique drainage constraints.
5. Water availability and sewerage disposal opportunities are limited or constrained

(d) The development is part of a Planned Area Developments (PAD).

(B) Sketch plan contents.

(1) Vicinity map.

(2) Name of development and “sketch plan.”

(3) Location by section, township and range.

(4) Reference by approximate dimension and bearing to section corners and quarter-section corners.

(5) Boundaries of development clearly identified and dimensioned.

(6) North arrow.

Dewey-Humboldt - Land Usage

(7) Scales (both graphic and equivalent inch to feet) using standard engineering intervals. Not to exceed one inch feet 200 feet, prefer one inch equals 100 feet. Sheet size no smaller than 24 inches x 36 inches; no larger than 42 inches x 42 inches.

(8) Date of preparation plus date of any amendments since original submittal.

(9) Names, addresses, phone numbers and notation of relationship to development for landowners, subdivider/development agents, engineers, surveyors, land planners, landscape architects, architects, hydrologists or others responsible for design (include registration numbers).

(10) Topography by contours relating to U.S.G.S. survey datum including benchmark used. Base information must be sufficient in order to review. Topography shall be depicted 300 feet beyond project boundary.

(11) Proposed land uses and densities by area as well as ownership patterns, land uses and zoning within surrounding 300 feet.

(12) Proposed vehicular, bicycle, pedestrian and equestrian traffic circulation plan (access, continuity, secondary emergency access, and the like) including:

(a) Overall area showing existing and proposed roads and their classification (arterial, collector, residential street) within 300 feet of project boundaries. A greater distance where needed to depict relationship to development may be necessary and may be shown on an additional map with a scale not to exceed one inch equals 2,000 feet.

(b) Identify legal primary and secondary access opportunities, as well as existing or proposed street right-of-way widths.

(c) In narrative form, identify general traffic impacts to adjacent property and existing roads, as well as high traffic generation points on site.

(d) Identify existing or proposed trail networks and open space connections affected by or intended to be implemented as part of future subdivision design. (NOTE: The plan may be graphic and/or narrative.)

(13) Drainage concept plan. Illustrate graphically and discuss in narrative form the proposed methods of handling storm drainage and floodplains that affect property:

(a) Depict general pre- and post-development drainage patterns and flow direction(s).

(b) Identify potential detention facilities, where necessary.

(14) Identify in chart or note form on the sketch plan the following:

(a) Total acreage, acreage for each use and each phase.

(b) Number units/lots for each type of use and phase.

(c) Average area per lot/unit proposed.

(d) Percent open space, if any, exclusive of rights-of-way, roadways, building envelopes, and parking areas.

(e) Water source (if new source indicate potential well field and storage tank).

(f) Method of refuse removal.

(g) Sewer service provider and type, if available.

(h) Fire District.

(i) Proposed utilities available and provider.

(j) Identify unique site conditions, i.e., rock outcroppings, major drainage features, and the like.

(15) Requested variances and waivers or known deviations from design standards (§ 152.09); for minor subdivisions often or fewer lots, waivers may be requested, except for improved dust-controlled access and minimum drainage improvements. (NOTE: Unique site conditions or apparent development constraints may necessitate submittal of additional information as required.)

(16) Additional requirements.

(a) Appropriate number of presentation copies as determined by the department and one copy in digital form of the sketch plan shall be submitted to the department.

(b) If requested by the department, a map (at a minimum scale of one inch: ten feet for that portion of the lot within 30 feet of the building or structure) identifying the following, as applicable:

1. All trees over two inches outside bark diameter at four and one-half feet above the ground on the uphill side of the tree, indicating canopy size and species, and indicating those trees to be removed;
2. All natural topographic features such as watercourses, rock outcrops, native vegetation and trees;
3. A map identifying areas of existing manmade scarring and, if proposed, a restoration program.

(c) A Phase I drainage report in accordance with the requirements of the town drainage criteria shall be submitted as set forth herein in conjunction with a sketch plan. The purpose of a Phase I Drainage Report is to review at a conceptual level the feasibility and design characteristics of the proposed subdivision. The drainage study shall identify off-site contributing drainage areas on a seven and one-half feet U.S.G.S. Quad Map; analyze existing hydrology conditions and approximate developed hydrologic conditions to make decisions

relative to detention; illustrate location of proposed drainage facilities to convey run-off through the site (no sizing of facilities needed); and provide text generally describing the drainage aspects of the site, methods for handling run-off, hydrological methods, and floodplains that affect the property.

(d) Citizen participation. Every applicant who is proposing a subdivision of 60 acres (or greater) or 40 lots (or more) shall include a citizen participation plan. The plan will not be required to commence until 30 days before a legally-required public hearing, if any.

(e) Title report. A preliminary title report or a policy of title insurance issued by a title insurance company within the preceding 30 working days to the owner of the land, covering the land within the subdivision and showing all record owners, liens, and encumbrances. The preliminary title report shall contain Schedule "B" indicating the status of legal access to the proposed subdivision.

(C) *Approval or denial of sketch plans submitted.*

(1) The sketch plan shall be evaluated and discussed in a formal meeting between the applicant(s), reviewing agency representatives and department staff. Upon receipt of reviewing agency comments, the department shall compile agency comments and respond to the applicant or agent as the proposed project relates to the following:

- (a) General plan or specific area plan(s).
- (b) Suitability of the site for development, proposed/existing and potential development opportunities and constraints.
- (c) The improvements, design and dedication required by town improvement standards.
- (d) Zoning requirements.
- (e) Drainage requirements.

(2) The department shall determine whether or not the sketch plan meets the purposes of these regulations and related town ordinances and design specifications and shall, where deemed necessary, make specific recommendations to be incorporated by the applicant into a revised sketch plan or appropriate subdivision plat submittal. No response from reviewing agencies within the prescribed review period shall be construed as having no objection to the continued processing of the application.

(3) At the discretion of the department and/or applicant, the sketch plan may be presented to the Planning Commission to clarify policies or to provide additional guidance. Such review shall be held at a regularly scheduled Commission meeting.

(4) If the department determines that the sketch plan submittal is not consistent with the general plan or specific area plan(s) and/or determines that the proposed development does not meet town improvement/design specifications, the department may deny the sketch plan application or request modifications to be incorporated into a revised sketch plan prior to authorizing an appropriate subdivision plat submittal.

(D) Appeal.

(1) If the project developer objects to a decision by the department to deny a sketch plan or any administrative review process or recommended modification to same, the decision may be appealed to the Planning Commission. Upon receipt of a written statement of objection, the matter shall be placed on the agenda for the next available Planning Commission meeting.

(2) If the developer objects to the recommendations, of the Planning Commission, the Commission's recommendation may be appealed to the Council.
(Ord. 09-51, passed 4-21-2009)

§ 152.07 PRELIMINARY PLAT PROCEDURES AND REQUIREMENTS.

(A) Purpose and process.

(1) A preliminary plat is a major step in the subdivision review process. The purpose of the preliminary plat is to submit enough information to answer the question "Should this use, designed in this manner, be constructed on this site?" prior to complete engineering drawings and studies being prepared. Approval of a preliminary plat constitutes authorization to proceed with preparation of the final plat, engineering plans and specifications for public improvements, but does not assure approval or acceptance.

(2) An application and appropriate number of presentation copies as determined by the department and one copy in digital form of a preliminary plat, with required materials (§ 152.07(B) and (C)) and filing fee shall be filed at the department. Only complete submittals shall be accepted.

(3) Staff shall review the application, distribute copies to reviewing agencies, obtain comments and schedule a staff conference with the applicant to review all comments with the applicant and to make any requests for additional information or materials.

(4) The staff shall present the preliminary plat, including general review comments, to the Planning Commission at a regularly scheduled meeting. Before taking action on a preliminary plat, the Planning Commission shall consider all review comments presented by staff, and the applicant. The preliminary plat and the recommendation of the Planning Commission shall be considered by the Council at a regularly scheduled meeting.

(5) An approval of a preliminary plat by the Council is valid for 12 months from the date of the approval. A 12-month extension may be granted by the department upon receipt of a letter from the

subdivider prior to the expiration date indicating proper cause.

(B) *Preliminary plat contents.*

(1) In addition to the items listed in § 152.06 for sketch plan contents, the following is also required for the preliminary plat:

(a) Topography by contours relating to U.S.G.S. survey datum, or other datum approved in writing by the Town Engineer, to be shown on the same map as the proposed subdivision layout. Location and elevation of the benchmark used should also be shown on the plat. Acceptable contour intervals: grades up to 5%, two feet; 5% to 15% grades, five feet; grades over 15%, ten feet. Source and date of topography shall be noted on the Preliminary Plat. Datum basis shall be noted. Whenever practical, elevations should be based on U.S.G.S. or N.G.S. datum. At least one permanent benchmark shall be included as part of the Preliminary Plat. Regular U.S.G.S. topographic maps, enlargements or similarities of same will not be acceptable as the source of topography. Topography shall extend at least 300 feet into all adjoining properties. This requirement may be waived on a case-by-case basis by staff.

(b) Drainage related items. Flood hazard and 100-year floodplain areas, if any, shall be delineated on the preliminary plat and finished floor elevations for building pads shall be identified for all lots impacted by flood hazard areas. All lots impacted by flood hazard areas must have an established restrictive building envelope that is outside the delineated flood hazard area.

(c) Location, widths, ownership status and names of all existing streets and improvements therein; railroads; recorded utility or other easements or rights-of-way, including any existing facilities therein; public areas; all existing structures, with an indication of whether or not they are to remain; and municipal corporation lines within or adjacent to the tract. Access road to the proposed subdivision shall be described to its intersection with a public road right-of-way.

(d) Name, book and page numbers of any recorded subdivisions within or having a common boundary with the tract, or notation "unsubdivided" where appropriate.

(e) Location, width and names of proposed streets, alleys, drainage ways, cross-walks and easements including all connections to adjoining platted or un-platted tracts. A typical cross-section shall be depicted on the plat where applicable describing the aforementioned improvements.

(f) Lot layout. Including minimum building setback lines related to all streets; typical lot dimensions (scaled); minimum lot sizes; dimensions of all corner lots and lots on curvilinear sections of street; each lot numbered individually and total number of lots shown.

(g) Designation of all land to be dedicated or reserved for public or semi-public use, with use indicated, and designation of existing use of property immediately surrounding the plat area.

(h) If plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification, present district boundary lines and status of any pending zoning change.

(i) Sewage disposal. It shall be the responsibility of the subdivider to furnish the department such evidence as may be required for its satisfaction as to the design and operation of sanitary sewage facilities proposed. A statement as to the type of facilities proposed shall appear on the preliminary plat. Subdivisions Utilizing Individual On-site Wastewater Systems: Where the proposed sewage disposal system will be by individual on-site wastewater systems, the results of the testing in accordance with current ADEQ requirements and rules shall be submitted with the preliminary plat. Where alternative on-site wastewater systems are proposed, necessary supporting information shall be provided for review and approval in concert with preliminary plat evaluation.

(j) Water supply. If the project lies within the Prescott Active Management Area boundaries, the subdivider shall comply with all regulations of the Arizona Department of Water Resources. It shall also be the responsibility of the subdivider to furnish the Environmental Unit of Yavapai County such evidence as that unit may require for its satisfaction as to the facilities for supplying domestic water. A statement as to the type of facilities proposed shall appear on the preliminary plat.

(k) Solid waste disposal. Subdivider shall indicate distance and location of refuse disposal area. In addition, method of collection must be indicated.

(l) Engineering plans submitted in support of the preliminary plat shall be prepared under the direction of and signed and sealed by a Registered Professional Engineer.

(C) *Supplementary submittal requirements for preliminary plat.* Supplemental submittals at this stage, such as grading, drainage or road plans, should be preliminary plans, not construction plans. They are the type of plans needed to evaluate the sustainability of the preliminary plat and allow the reviewing agencies to make reasonable decisions. The plans may generally be prepared using scaled distances and elevations taken from the topographic map used for the preliminary plat. When possible, they should be at the same scale as the preliminary plat. All supplemental submittals must be consistent with each other and the preliminary plat. The following material shall accompany the submission of all preliminary plats. If this data is not included on the preliminary plat, then a minimum of two copies are required.

(1) A preliminary title report or a policy of title insurance issued by a title insurance company within the preceding 30 working days to the owner of the land, covering the land within the subdivision and showing all record owners, liens, and encumbrances. The preliminary title report shall contain Schedule "B" indicating the status of legal access to the proposed subdivision.

(2) A letter detailing how the application is in compliance with its zoning classification and with any stipulations of conditional zoning of the property if applicable.

(3) Preliminary draft of proposed deed restrictions or protective covenants to be incorporated in the final plat submittal, including provisions for use and maintenance of any commonly owned facilities.

(4) A statement regarding availability of utilities and the direction and distance thereto and preliminary letters of serviceability shall be submitted in conjunction with the application.

(5) A list of the proposed street names.

(6) A statement regarding a request and associated justification for any waiver or variance from construction standards or these regulations such road design, flood control, and the like, specifying each requested waiver or variance.

(7) Preliminary grading plan. A preliminary grading plan shall be required when cuts or fills will exceed five feet in height or will extend outside of the normal street right-of-way. The preliminary grading plan shall be in sufficient detail to convey the extent of grading activities such that their impact can be evaluated by the reviewing agencies. The plan shall include existing and finish grade contours and limits of cut and fill areas. Driveway and building locations shall be shown when topographic or other constraints will require specific locations or site grading. A geotechnical report shall accompany the grading plan to support the slope stability assumptions of the grading plan, unless permitted by the Town Engineer to be submitted with the final plat submission.

(8) Preliminary road plans. Grades shall be given to the nearest whole percent grade. A profile sheet coinciding with the roads as shown on the preliminary plat or separate plan and profile sheets shall be prepared at a scale sufficient to allow evaluation of the proposed roads. Proposed drainage structures within the right-of-way shall be shown on the preliminary road plans. The preliminary grading

plan may be shown on the preliminary road plans if all of the grading will be related directly to the roads. The reviewing agency's interest in these plans are:

- (a) Height, stability and slope of cut/fills;
- (b) Affected drainage patterns;
- (c) Potential roadway geometric problems;
- (d) Impacts of the roads on adjacent lots, property and access;
- (e) Relationship of drainage to roadways;
- (f) Other items that may be specific to the roads in the specific subdivision.

(9) Preliminary utility plans. A preliminary utility plan shall be prepared to illustrate the proposed location of utilities and verify that the necessary easements and rights-of-way are proposed on the preliminary plat. It is recognized that final utility locations are decided by the individual utilities, but the objective of the preliminary utility plan shall be to encourage cooperation in planning by the various utilities.

(10) Preliminary drainage plans. The preliminary drainage plan shall be part of a Phase II Drainage Report in accordance with the requirements of the Flood Control District and the Yavapai County Drainage Criteria Manual. The plan may include a drainage report, floodplain delineation and floodplain study depending on the size of the project and its location topographically as well as geographically.

(11) Traffic impact analysis. Generally the following criteria are considered when determining if a traffic impact study is warranted:

- (a) Significant changes in land uses are proposed or higher density zoning is sought.

(b) Arterial highway access is requested or the existing location of access to the property is changed.

(c) The proposed increased activity or intensity of development will significantly impact vehicular or pedestrian traffic on major roads.

(d) A total of 100 or more vehicular trips during an a.m. or p.m. peak hour will be generated by the proposed development.

(e) In instances where the interior subdivision streets do not intersect or adjoin a state or county highway the level of detail for the traffic study and its contents shall be at the discretion of the Town Engineer.

(12) Additional information as may be necessary to assure that the proposed preliminary plat conforms to the provisions of these regulations. (Ord. 09-51, passed 4-21-2009)

§ 152.08 FINAL PLAT PROCEDURES AND REQUIREMENTS.

(A) Purpose and process.

(1) The final plat is the last major step in the subdivision review process. The purpose of the final plat is to provide enough detailed information to show that the development can be designed and constructed to town standards on the project site. To accomplish this, complete engineering drawings and studies must be prepared and submitted for review and approval. Approval of a final plat constitutes authorization to proceed with preparation of the financial assurances and recording documents necessary for construction of all public improvements. Approval of a final plat, engineering plans, financial assurances and recordation does not assure acceptance of public improvements by the town. Acceptance of public streets is only provided upon completion of construction to town standards and approval by the Town Engineer.

(2) An application and appropriate number of presentation copies as determined by the department and one copy in digital form of a final plat, with required materials (see § 152.08 (B) and (C)) and filing fee shall be filed at the department. Only complete submittals shall be accepted.

(3) Staff shall review the application, distribute copies to reviewing agencies, obtain comments and schedule a staff conference with the applicant to review all comments with the applicant and to make any requests for additional information or materials.

(4) Engineering drawings and studies shall be submitted with the final plat and reviewed by the Town Engineer and other regulatory agencies for compliance with standards.

(5) The final plat shall be reviewed for conformance with the approved preliminary plat, except that a final plat may constitute only a portion of the land area approved within the preliminary plat.

(6) A final plat application may be submitted which has been modified to reflect improvements in design or changes which have occurred since the time of the preliminary plat approval. These changes may require submittal of material(s) necessary to adequately review that change.

(7) If all requirements of approval of the preliminary plat have been met in the final plat submittal and the engineering drawings and studies have been approved and if no adverse comments are received from review departments/agencies, the staff shall schedule the final plat for consideration at the next regularly scheduled meeting of the Council.

(8) An approval of a final plat by the Council is valid for 24 months from the date of the approval during which time financial assurances must be submitted and approved by the town for public improvements. The final plat shall be recorded upon acceptance of financial assurances (§ 152.10). A 24-

month extension may be granted by the department upon receipt of a letter from the subdivider prior to the expiration date indicating proper cause.

(B) *Final plat contents.* The final plat shall conform to all the following provisions of this section and be prepared to reasonable accuracy standards, consistent with acceptable professional standards, signed and sealed by a land surveyor registered in the state.

(1) The final plat shall be submitted on a transparent reproducible polyester film, such as Mylar, and shall be the original map legibly drawn on a sheet or sheets measuring 24 inches x 36 inches, with a left margin of two inches and be drawn to an accurate scale not to exceed one inch equals 200 feet. A scale of one inch equals 100 feet is preferred. The final plat shall include dedications, affidavits, certificates and acknowledgments. All stamped or written matter, including signatures, shall be made with opaque ink so that legible blue line prints may be obtained there from. The plat will need to be of a scale to ensure the size of letters will be legible when microfilmed, converted digitally or scanned. It is the responsibility of the developer to comply with current requirements of the County Recorder's office for appropriate filing and recording requirements.

(2) The applicant shall submit the number of copies of the final plat and related documents requested by the department. The submittal shall include the following drawings, materials and information.

(a) Tract boundary lines, lot and parcel lines, easement lines, street centerlines, and section lines, all showing accurate bearings and dimensions with dimensions expressed (rounded) in feet and decimals thereof to the hundredth.

(b) The total area of the subdivision, and, showing the area of each lot to the nearest hundredth of an acre if greater than one acre; or showing the area in square feet if less than one acre.

(c) Width of streets, width of easements and indication of their purpose, angle, radius, tangent, and length of all curves.

(d) The locations and widths of non-motorized trail way, equestrian trails or bicycle paths.

(e) Location and description of existing or found monuments, such as section corners and subdivision boundary corners, elevation of benchmarks for a condominium development, existing rights-of-way and easements, if any. Easements shall be clearly dimensioned, labeled, and identified, and, if already of record, properly referenced to the record.

(f) Where there are contiguous developments, show name of the subdivision with reference of record, street right-of-way lines, street names, street width, easements clearly dimensioned, labeled, and identified, if any; and if unsubdivided, so note.

(g) The legend shall specify the type of documents used.

(h) The boundary of the subdivision shall be indicated by a heavy line, recognizable as a border, clearly showing the boundary of the subdivision and all of the property being offered for dedication for public use and/or as easements. Such boundary shall not interfere with the legibility of figures or other data.

(i) Any excepted parcel(s) within the plat boundary shall be accurately depicted by bearings and distances on the plat;

(j) Each lot shall be numbered as per the approved preliminary plat when applicable and each block may be numbered or lettered.

(k) Each street shall be named.

(l) All lots not intended for sale or resale for private purposes, and all parcels offered for

dedication for any purpose, public or private, and any private streets permitted shall be so designated.

(m) Label and identify all lots, parcels, tracts, excepted parcels, and the like for ease of description and to ensure no misunderstanding about intended use, ownership, or maintenance.

(C) *Supplementary submittal requirements for final plat.* At the time of submittal of the final plat with department staff, the subdivider shall also file the following accompanying material:

(1) Two copies of an updated title report or a policy of title insurance issued by a title insurance company within the preceding 30 working days to the owner of the land, covering the land within the subdivision and showing all record owners, liens, and encumbrances. The title report shall evidence that there is legal/permanent access to the proposed subdivision.

(2) A copy of any covenants, conditions and restrictions (CC & R's) to be recorded.

(3) An appropriate number of copies as determined by the department of a memorandum showing the total area of the subdivision, and, showing the area of each lot to the nearest hundredth of an acre, if greater than one acre; or showing the area in square feet if less than one acre.

(4) An appropriate number as determined by the department of sets of prints of the construction plans of all improvements required and prepared in accordance with § 152.09 Subdivision and Street Design Standards, Yavapai County Flood Control District regulations, ADEQ standards, and any/all other construction standards or specifications as adopted by the town. In addition, plans shall include all off-site improvements to be constructed, with details as required by the town's subdivision and street design standards, and, shall show land ownership, existing or proposed rights-of-way limits, and other features affecting the establishment and construction of such required off-site improvements.

(5) A cost estimate for constructing the required site improvements signed and sealed by a Registered Professional Engineer. The cost estimate and method/type of assurance shall be approved by the Town Engineer and/or Town Manager prior to approval of the final plat. The actual assurance must be executed and presented to the town before the subdivision plat is recorded.

(6) If private roadways are proposed in the development, then provisions for perpetual roadway maintenance acceptable to the town shall be provided for in the Property Owners Association (or other legal entities) organizational Articles of Incorporation, and shall be submitted with the final plat.

(7) The licensed surveyor who certifies the boundary survey on the plat shall also submit the mathematical calculations of each boundary, lot and tract closure. The calculations shall contain enough data in order to follow and recalculate the method used to determine closure. Calculations shall be bound and the cover stamped by the appropriate professional. These calculations will then become a permanent part of the subdivision records.

(8) An appropriate number of copies as determined by the department of a final or Phase III Drainage Report shall be submitted in conjunction with final construction plans. The purpose of the Phase III Drainage Report is to update the concepts, provide all information not previously provided and to present the design details for the drainage facilities discussed in the Phase II Drainage Report. The limits of any 100-year floodplain identified using the standards set forth by the ADWR Requirement for Floodplain Delineation in Riverine Environments, together with the base flood elevation, shall be illustrated in the final plat. The regulatory elevation for the most critical location within each lot shall be shown on each lot that is impacted by the floodplain. All lots impacted by flood hazard areas must have an established restrictive building envelope that is outside the delineated flood hazard area. Lots completely within the 100-year flood hazard area will not be permitted, as this area should be reserved as open

space for the conveyance of floodwaters. A note shall also be placed on the plat indicating that "Floodplain limits, base flood elevations and regulatory elevations may be revised by subsequent studies approved by the Flood Control District." Final plats shall also show all drainage easements in conformance with the approved preliminary plat (if it had been required) with the associated dedication language. The actual dedication language should be related to the type of drainage facility and method of maintenance.

(9) Submittal to include a report from ADWR in the form of either a "Certificate of Assured Water Supply" within "an AMA" pursuant to A.R.S. § 45-576, or for areas outside of AMA's a statement of water "adequacy" either for that subdivision or for the water company (private or public) which will serve the subdivision pursuant to A.R.S. § 45-108.

(10) A letter detailing how the application is in compliance with each stipulation of any conditional zoning or preliminary plat if applicable.

(11) The plat shall also show other data that may be required.

(D) *Certifications, acknowledgments, dedications, acceptances.* The following certifications, acknowledgments, dedications, acceptances, and all others required shall appear on the final plat. Such certificates may be combined when appropriate:

(1) A certification or ratification signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of said plat. Certain rights-of-way, easements, or other interests may be acknowledged by appropriate endorsements on the plat.

(2) A certificate signed and acknowledged as above offering for dedication to the public all parcels intended for public use.

(3) An acknowledgement on the face of the plat if applicable "All private roads will only be taken

over by the town for maintenance if the roads are brought up to the then current town design standards (including but not limited to surfacing and right-of-way width) for public roadways at owners expense.”

(4) A signed, sealed and dated certificate for execution by the Registered Land Surveyor as follows: “This is to certify that the survey of the premises (property) described and platted hereon was made under my direction and supervision and are accurately represented on this plat. I also certify that this plat is correct and accurate as shown.”

(5) The final plat shall contain the name and registration number of the registered professional civil engineer(s) who prepared the preliminary plat and is responsible for the engineering that is necessary in preparation of the proposed subdivision.

(6) A certificate for signatures and dates by the Town Engineer, Community Development Director and/or other designated town officials, as follows: “This plat has been checked for conformance with any special conditions attached to the approved preliminary plat, the requirements of subdivision regulations of the town and to any other applicable regulations, and appears to comply with all requirements within my jurisdiction to check and evaluate.”

(7) A certificate to be signed and dated by the Mayor, and attested to by the Town Clerk, that the Town Council approved the final plat on a specific day, month and year, and accepted on behalf of the public all parcels or tracts of land offered for dedication for public use in conformity with the terms of the offer of dedication.

(E) *Recording final plats.*

(1) When a final plat, construction plans and all required supporting documents are acceptable to the Town Engineer, Yavapai County Flood Control District and the Community Development Director, the subdivider shall submit to the department two

reproducible sets of the final plat for scheduling on the next regular meeting of the Town Council. The two reproducible sets shall include the following:

(a) The signatures of all parties required to sign or endorse the final plat for the purpose of passing a good and sufficient title to the public rights-of-way, easements, and parcels offered for dedication and to join in the subdivision of said property;

(b) The signature and seal of the Registered Professional Engineer and/or Land Surveyor (R.L.S.) preparing the plat and any and all other parties required to execute certificates thereon, other than the required town signatures.

(2) In addition, all finalized and signed plats and accompanying data, agreements and other papers or documents necessary to the acceptance of the plat shall be submitted to the department at least 30 working days prior to the regular Council meeting at which the applicant desires to be heard.

(3) No subdivision plat shall be recorded unless approved by the Council, and until approved financial assurances have been received by the town for all required site improvements in accordance with the requirements and provisions of § 152.10.

(4) In addition the following documents and materials shall also be submitted by the subdivider prior to recordation:

(a) The fee for recording the final plat and accompanying deed restrictions and any pertinent documents as may be required once the final plat is approved by the Council.

(b) The “certificate of assured water supply” or the report finding the subdivision's water supply to be “adequate” shall be provided prior to the Council's consideration of the final plat. Note: if the subdivision is not located within an AMA and approval was based on the understanding that the subdivision's water supply was going to be found by

ADWR to be inadequate the final plat may be recorded upon issuance of the report if all other subdivision requirements are met.
(Ord. 09-51, passed 4-21-2009)

§ 152.09 STREET DESIGN AND SUBDIVISION STANDARDS.

(A) *Street and easement standards.*

(1) Street frontage requirement. Any lot or parcel established by land split or by subdivision shall front onto a publicly dedicated street or an easement building permit shall be issued for any parcel or lot

recorded for access or ingress/egress purposes. No building permit shall be issued for any parcel or lot not meeting this requirement. An easement for access and ingress/egress shall be attached to the deed of any parcel granting access to cross private property to provide ingress/egress to another private property. Newly created lots or parcels are required to obtain a Land Split Application approval as noted in § 152.05 to ensure access to all parcel(s) within the town.

(2) Street right-of-way or easement(s) widths and standards. Street and easement widths and levels of improvement shall be designed and improved in compliance with these regulations and with the standards for residential development shown in the following chart.

MINIMUM RESIDENTIAL STREET STANDARDS				
<i>Minimum Standards</i>	<i>Land Split (2-3 parcels)</i>	<i>Minor Subdivision (10 or less lots)</i>	<i>Major Subdivision (more than 10 lots) Note: average daily trips (adt)</i>	
Width of Street R/W or Easement	30' local rural access easement****	50' local rural street r/w	50' local street r/w (< 1000 adt)	60' collector street r/w (> 1000 adt)
#& Width of travel lanes	Two @ 9'	Two @ 10'	Two @ 12'	Two @ 14' (+ turn lane**)
Width of total travel surface improvement	18'	20'	24'	28' **
Type of surface improvement	prepared subgrade scarified to min. depth of 8" and compacted 95%	double chip seal surface over 5" aggregate base course (abc)	* 3" asphaltic concrete over 6" abc	* 3" asphaltic concrete over 6" abc
Width of Shoulders	2'	2'-4'	4'	4'
Max. Grades	12%***	12%***	12%***	8%***
Non-motorized Trail ways		10'	10'	10'

* Minimum required may be greater depending on soils analysis and projected traffic volumes
 ** Turn lane requirement is dependent on projected traffic volumes
 *** Grades may be exceeded for short distances for access and sensitivity to natural terrain as determined and approved by the Town Engineer
 **** If the temporary extension is planned to be developed as a larger road, a greater width may be required or a greater setback may be imposed.

(B) *Street lengths, intersections and other street design regulations.*

(1) The arrangement, character, extent, grade, width, and location of all roadways or streets shall conform to these regulations, Town Public Works Department standard specifications, details and town roadway functional classification system, any adopted transportation plan, the general plan and any specific area plan that affect the proposed new street locations.

(2) Street patterns that follow the natural terrain as much as is feasible within the standards of these regulations are encouraged.

(3) The arrangement of streets shall provide continuation or appropriate projection of existing major streets in surrounding areas. All centerlines shall be continuations of the centerlines of existing streets and highways in contiguous territory. In cases where straight continuations are not physically possible, such centerlines may be continued by curves.

(4) Structures or culverts shall be installed as deemed necessary by the Town Engineer for drainage, access and public safety. Such structures and culverts are to be placed to grades and be of design and size approved or authorized by the Town Engineer. Adequate drainage of the subdivision streets or roadways shall be provided by means of said structures or culverts and by other approved methods, in accordance with the engineering standards adopted by the Town Engineer and Yavapai County Flood Control District.

(5) All roads and alleys developed or improved in conjunction with subdivision development shall either be:

(a) Built to town standards, dedicated to the town by the plat and accepted by the Council; or

(b) Built to town standards and exist and be maintained as private roads within appropriate minimum rights-of-way in compliance with these regulations or as recommended by the Town Engineer.

(6) Half roads or partial width rights-of-way will only be approved where no alternative design exists, or where said partial rights-of-way would require the dedication of additional contiguous rights-of-way to make it full width. The developer shall include evidence that the additional right-of-way necessary to accomplish full width dedication is permanently reserved for future road purposes. Half roads will only be accepted where they are a portion of the road system approved as part of an adopted transportation plan, the town roadway network plan, the general plan or specific area plan.

(7) Dead end streets. Streets designated to have one end permanently closed, shall be no more than six times the minimum lot width nor more than 1320 feet long unless authorized by the Council by an approved waiver.

(a) Dead end streets shall be designed at the closed end with an approved turnaround, which shall be designed to meet the requirements or specifications of the Central Yavapai Fire District.

(b) Where it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundary of such property. Such dead end streets shall be provided with a temporary turnaround having a roadway diameter of at least 80 feet.

(8) Intersections.

(a) Street intersections shall be at right angles (90°).

(b) Property line radii at street intersections shall not be less than 25 feet, however, the Town Engineer may require a greater radius at edge of pavement where necessary.

(9) Jogs in minor streets. Street jogs of less than 135 feet in length shall not be approved.

(10) *Street names.* Proposed street names and address numbering shall be assigned and administered in accordance with the provisions of the Public Works Department. Where a proposed street is a continuation of an existing street, the existing street name shall be retained.

(11) *Alleys.* Alleys shall be provided to the rear of all lots used for business purposes and as deemed necessary by the Commission. Alleys may be permitted in residential developments where a subdivider can produce evidence satisfactory to the Commission of the desirability of such provisions.

(C) *Block and lot design regulations.*

(1) *Blocks.* The length, width and shape of blocks shall be determined with due regard to provisions for adequate building sites, the zoning requirements as to lot area and dimensions, limitations, and opportunities of topography and associated needs for convenient access, traffic circulation, control and safety to streets and pedestrian traffic.

(a) Length of blocks shall not be more than 1320 feet except as the Commission considers necessary to secure efficient use of the land or as a desired feature of street design. Where fronting on major streets, lengthened blocks may be utilized in order to reduce the number of intersections along the major street or arterial.

(b) *Non-motorized trail way.* A non-motorized trail way (paths or sidewalks) ten feet wide shall be provided in blocks over 1320 feet in length or where deemed by the Commission to be necessary for the public safety and convenience; and pedestrian crosswalks may be required in blocks over 660 feet in length.

(c) Width of blocks should be wide enough to allow two tiers of lots.

(2) *Lots.*

(a) *Arrangement.* The lot area, width, depth, shape and orientation, as well as the minimum building setback lines shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall conform to zoning requirements and these regulations. Side lot lines shall be designed at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road or approved access. All lots shall be laid out so as to provide positive drainage away from all buildings and building site areas. Easements may be on common lot lines, but should follow natural water courses as much as possible.

(b) *Accessibility.* Each lot shall be accessible to the street on which it fronts, except that no lot shall gain direct access via arterial roads. When a tract fronts on an arterial road the Commission may require lots within the subdivision to have reverse frontage. In all residential subdivisions, road layout shall be designed so as to encourage neighborhood connectivity but discourage through traffic on local streets.

(c) *Minimum size.* Each lot shall be of a suitable size for the purpose for which it is intended and shall contain a usable building site meeting applicable zoning district requirements. The area of a lot shall be deemed the area shown, exclusive of any area designated for public street right-of-way dedication.

(3) *Large tracts or parcels.* When the land is subdivided into large tracts or parcels, they shall be arranged to accommodate the location of future streets and logical extensions of existing streets.

(a) No subdivision shall be created with tracts or parcels contemplated for future division without prior authorization by the Council. Parcels and tracts shall be designated by capital letters and be designated in sequence starting with the letter "A".

(b) Any proposed future division of a tract or parcel in an approved subdivision shall constitute a revision of plat, § 152.11(B) and be subject to the subdivision procedures and requirements of this chapter.

(4) *Lot numbering.*

(a) Each lot shall be designated by an Arabic numeral.

(b) If block designations are not used, numbering shall be in consecutive sequence within the block beginning with the number "1" wherever lots have common side boundaries within a subdivision or within a block along each street and contiguous consecutive numbers shall follow from one block to another.

(c) When block designations are used, numbering shall be in consecutive sequence within each block area commencing with the corresponding number for each block.

(d) Numbering sequences may follow in continuity from one tract to another when lying contiguous to one another, or when separate or contiguous if the same name is used for successive tracts.

(5) *Monumentation.* A monument shall be set at each lot corner and at all points of curvature or tangency along lot lines and along the exterior boundary and points of reference of the subdivision, monuments shall be set in conformance with Arizona Boundary Survey Minimum Standards. Whenever streets are improved to the extent that paving is included, survey monuments will be required along their centerline at all street intersections and at the point of curvature and point of tangency of all curves and shall be set as approved by the Town Engineer.

(D) *Sanitary sewerage, water, utilities and refuse disposal.*

(1) *Sanitary sewerage.* Where a public sanitary sewage system is reasonably accessible the

subdivider shall connect with such sewer and provide a connection to each lot.

(a) A sewage collection and treatment system may be required as a condition of approval for any subdivision pursuant to ADEQ Design Bulletins.

(b) When connection to a sanitary sewage system is not available, individual on-site wastewater systems or other disposal methods may be permitted provided that a statement is submitted to the Commission by Yavapai County Environmental Unit certifying that field investigation has determined that ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and size as depicted on the subdivision plat.

(2) *Water.* Where a public or private water system is reasonably accessible the subdivider shall install water mains connecting with existing water utility systems to serve each lot when and if connection to such system is available. In such case, prior to the approval of the final plat, the subdivider shall submit a letter from the governing body of the water system showing the ability of the system to serve the proposed subdivision and evidence that a satisfactory agreement has been made for connection to the system.

(a) When connection to a water system is not available, the subdivider may provide service by the establishment of a private or community water system. The source of supply shall be developed and improved to the satisfaction of ADEQ or its representatives so that the subdivision may be adequately supplied with water. The source of water may also be subject to approvals by ADWR described in division (e) below.

(b) Water mains and fire hydrants, if installed, shall be installed to grades, location, design and sizes on plans submitted by a Registered Professional Engineer and approved by the Town Engineer and ADEQ.

(c) A water system shall be provided as a condition of approval for any subdivision containing lots or parcels less than one acre in area.

(d) In the case of a subdivision with lots equal to or over one acre in area, water supply may be from other than a community system. In this case evidence shall be submitted showing that sufficient potable water is available and can be obtained for all lots in the subdivision.

(e) Where land lies within the Prescott Active Management Area designated by the Arizona Department of Water Resources (ADWR), any subdivision of six or more lots shall require approval of a certificate of assured water supply or other authorization by the ADWR.

(3) *Modification of lot sizes.* Minimum lot size may be modified by requirements of the state or Yavapai County regulations pertinent to water and sanitary sewage systems. The requirements for development of water supplies and sewage disposal systems shall not be less than those outlined in engineering criteria and other regulations of the Arizona Department of Water Resources, the Arizona Department of Environmental Quality, and other appropriate county or local agencies.

(4) *Refuse disposal.* Subdividers shall indicate proposed method of refuse collection and disposal. If any method is planned to be used other than that normally supplied in the town, the Council may require suitable facilities as deemed necessary to be furnished by the subdivider before the subdivision is approved.

(5) *Utilities and easements.* Except where alleys are provided for that purpose, easements at least 16 feet in total width, one-half of which is provided from each adjoining lot, shall be provided where necessary along rear lot lines; total width of easements may need to be increased for multiple utilities and structures such as poles, wires, conduits, sanitary sewers, gas mains; water mains, or for other utilities; where necessary, additional easements shall be located

along the side lot lines. Half or partial easements may only be approved where written commitment of dedication of necessary additional easements are on record. All easements shall be in accordance with those approved by the utility companies concerned.

(E) *Public reservation and sensitive design considerations.*

(1) *Public reservation.* Consideration shall be given to the reservation of land for parks, recreational facilities, school sites and fire stations as designated in the general plan and/or applicable specific area plans during the design and layout of the subdivision. The Council, pursuant to A.R.S. § 9-463.01, may require certain lands to be reserved for such public purposes which are limited in scope and duration as follows:

(a) The land area reserved shall be of such a size and shape as to permit the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.

(b) The land area reserved shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

(c) The public agency for whose benefit an area has been reserved shall have a period of one year after recording the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value of the reserved land area at the time of the filing of the preliminary subdivision plat plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including the interest cost incurred on any loan covering such reserved area.

(d) If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in this section within

such one year period or such extended period as may be mutually agreed upon by such public agency and the subdivider, the reservation of such area shall terminate.

(2) *Sensitive design considerations.* The subdivider shall give consideration to preserving natural features such as large rock outcroppings, ridge lines, riparian areas and views of area landmarks in the design and layout of the subdivision.

(a) Landscaping in commonly owned areas (i.e. land that is owned and maintained jointly by property owners or by a property owners association) or those areas landscaped by the developer are encouraged to utilize drought tolerant plants and utilize Xeriscape plans to minimize water usage. By definition, Xeriscape means some water applied in well controlled amounts and locations in the landscape.

(b) Utility installations shall be located underground to assure that they do not detract from the design and amenity of the subdivision, except for above ground appurtenances of underground utilities, and for major transmission and distribution feeder lines together with related switchyards, substations and equipment.

(F) *Special development subdivisions waivers.*

(1) Special development subdivisions. Modified standards and requirements of these regulations may be accepted by the Council in the case of a plan and program for a neighborhood unit, or Planned Area Development which, in the judgment of the Council provides adequate public recreation, light, air and service needs for the tract when fully developed and populated; and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the general plan, applicable specific area plan or Zoning Ordinance.

(a) When such a preliminary development plan is submitted it shall be accompanied by a petition for variations, as outlined in these regulations, setting out and explaining reasons for all deviations from standards as herein required.

(b) Special development variations may include (but are not limited to):

1. Streets of less width than standard requirements, but with adequate provisions for off street parking;

2. Up to four lots served by a common driveway where topographic conditions would justify such treatment;

3. Up to four buildings per site in a cluster of less than minimum lot area if a corresponding contiguous commonly owned area plus the building site areas brings the total combination of building sites and commonly owned areas to minimum area standards, and provisions are made that each lot owner has an undivided interest in the contiguous parcel and it is restricted to be used only for recreational purpose or to remain "open", i.e. not for buildings; or

4. For the design of special common sanitation facilities,

(c) Special development subdivisions shall be regulated as outlined in Sec 440 Planned Area Developments in the Zoning Ordinance.

(2) Waivers. The Planning Commission may recommend and the Council may approve waivers or variances from the terms of these regulations, where by reason of exceptional or extraordinary situations or conditions of a tract of land, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the subdivider. Such variance or waiver may be given provided such relief may be granted without detriment to the public good and without impairing the intent and purposes of these regulations. A request for a waiver shall be submitted in writing by the subdivider with the sketch plan or preliminary plat process. If approval of the waiver request or portion thereof is recommended by the Commission for a preliminary plat or by staff for a final plat, it shall be presented to the Council as part of the plat. Any approval action shall be based upon all of the following findings:

(a) That strict application of design and improvement regulations would preclude reasonable subdivision development of the subject property.

(b) That there are special circumstances applicable to the property related to its topography, shape, and/or location that dictate the need for this waiver to ensure good subdivision design and development.

(c) That the granting of this waiver will not be detrimental to the public health, safety, and general welfare or injurious to other property in the area in which said property is situated.

(G) *Hillside development subdivisions.*

(1) The principal purpose of these hillside development standards is to allow the reasonable and beneficial use and development of private property within areas considered "hillside" (i.e. the majority of the development site has a natural slope greater than 20%) while promoting the public health, safety, convenience and general welfare of the citizens of the town and maintaining the character, identity and image (i.e. preserving ridgelines) of hillside areas which are seen as valuable scenic resources.

(2) The regulations of this section shall apply to all lots or parcels having a natural slope of 20% or greater. This slope is calculated using a minimum run of 100 feet with a rise greater than 20 feet over that 100 foot run.

(3) Hillside lot standards.

(a) Total disturbed area within a lot shall not exceed that of the zoning district maximum lot coverage, but in no case to exceed 25%.

(b) All lots within hillside development subdivisions shall be subdivided to contain a minimum of 25,000 square feet and have minimum lot widths at building setback of 120 feet.

(c) "Panhandle", double frontage, and other unconventional lots may be permitted so long as it can be adequately demonstrated that no such lot will adversely affect any other lot.

(d) The maximum height of air cuts may not exceed the height of the primary structure, excluding antennas and other attachments.

(e) The maximum height of any improvement may not exceed the closest ridgeline adjacent or contained within the parcel.

(f) All fill material must be landscaped to match adjacent vegetation.

(4) Hillside road standards.

(a) Street grades shall not exceed 12%, except for a maximum length of 600 feet where the grade may be a maximum of 15% with approval of the Town Engineer.

(b) Minimum dedicated street rights-of-way may be reduced, when justified by extreme cross-slope cut and fill areas or similar conditions.

(c) "T" or "Y" type turning and backing areas may be substituted for circular turnarounds.

(d) Private streets or drives serving not more than four lots shall be permitted to a maximum length of 300 feet.

(Ord. 09-51, passed 4-21-2009)

§ 152.10 ASSURANCES, GUARANTEES, IMPROVEMENTS, INSPECTIONS AND RELEASES.

(A) *Assurances and guarantees.* No final plat will be recorded unless one or more of the following methods of assurance are submitted with the final plat, with a cost estimate for construction of the required on- and off-site improvements, signed and

sealed by a Registered Professional Engineer. The amount of the assurance shall be based on the engineer's cost estimate for all required and remaining site improvements as approved by the Town Engineer. Utility service assurances may be provided by letter from water, sewer, electric and other appropriate utility companies to guarantee improvements.

(1) *Performance bond.* The subdivider shall file with the town a bond executed by a surety company holding a license to do business in the state, and acceptable to the town, in an amount equal to the cost of the improvements required by these Regulations and within the time for completion of improvements as estimated by the Engineer of Record and approved by the Town Engineer. The performance bond shall be approved as to form and legality by the Town Attorney.

(2) *Trust agreement.* The subdivider shall place on deposit in a bank or trust company in the name of the town, and approved by the Town Attorney, in a trust account a sum of money equal to the estimated cost of all site improvements required by these regulations. The cost and time of completion shall be approved by the Town Engineer. The trust shall be approved as to form and legality by the Town Attorney. Periodic withdrawals may be made from the trust account for a progressive payment of installation costs. The amounts of such withdrawals shall be based upon progress work estimates and approved by the Town Engineer. All such withdrawals shall be approved by the Trustee.

(3) Unconditional guarantee from a local bank or federally insured savings and loan association or from other financial institutions as approved by the town. The subdivider shall file with the town a letter, signed and notarized by the principal officer of a savings and loan association or other financial institution acceptable to the town, agreeing to pay the town on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider or developer is responsible under these regulations. The guaranteed payment sum shall be determined from the estimated costs and scheduling as approved by the Town

Engineer. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide together with a schedule for completion.

(B) *Improvements/construction of public or private improvements prior to final plat approval and/or recordation.*

(1) No subdivision site work shall be initiated unless or until the preliminary plat has been approved by the Council and the site work authorized by the Town Engineer and there are approved construction plans.

(2) If the subdivider chooses to construct the required improvements prior to final plat approval or recordation, he shall submit the construction plans prepared by a Registered Professional Engineer, inspection reports, test reports and material certifications to the Town Engineer for approval. Once approvals are obtained and a development permit from the Flood Control District for drainage work has been issued, then site construction can be initiated.

(3) Such construction will be performed with the understanding that the developer is doing so at his own risk should something be changed on the plat design prior to approval/recordation that may warrant modifications to site improvements.

(C) *Duration and releases.*

(1) The duration of the performance bond or other assurance shall be for two years, from the date of recording. Extensions of time in one year increments may be granted by the department by showing just cause. The assurance (surety) shall remain in force and effect until it is released by the Council or has been authorized for partial release as provided for herein.

(2) The Town Engineer, upon receipt of a certification from the Engineer of Record, may authorize a reduction of the assurance for the work completed in accordance with the approved cost

estimate and construction plans. A percentage (10%) of the estimated cost of completed improvements will be retained to insure sufficient funds remain to insure completion of the site improvements, final inspections and preparation of final "as-built" plans.

(3) In the event that the subdivider defaults or fails or neglects to satisfactorily install the required improvements within the time agreed upon for performance, the Council may declare the bond, or other assurance forfeited, and the Town may make or cause the required improvements to be made, using the trust funds or proceeds of the collection of the bond or other assurance to defray the expense thereof. In addition, the department shall notify ADRE of the default.

(D) Inspections and final release.

(1) The subdivider, using the services of a Registered Professional Engineer and plans as approved by the Town Engineer, shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than 30 days prior to the release date of the bond or other assurance, the Engineer of Record shall make an inspection of the improvements and shall submit a set of "as-built" construction plans if complete or a report on the status of improvements if only partially complete to the Town Engineer. The Town Engineer will review the "as-built" plans and/or report and notify the developer of any noncompliance with the approved construction plans or with these regulations. If the Town Engineer determines that compliance has been made, he will then submit a report to the Council, setting forth the conditions of such facilities.

(2) A certificate sealed by the Engineer of Record on the "as-built" plans stating that the construction has been completed in substantial conformance to the specifications and standards contained in or referred to herein must be approved by the Town Engineer and presented to the Council prior to the surety release. If all conditions are found to be satisfactory and the improvements comply with Town Standards, the Council shall release the

guarantee. If the condition of materials or workmanship shows unusual depreciation or does not comply with Town Standards, the Town Engineer may present this information to the Council who may declare the subdivider in default.

(3) Certification and acceptance.

(a) The Engineer of Record shall certify: "In my professional opinion, the construction of the specific site improvements required for approval has been completed in substantial conformance with the construction plans and specifications including changes and addendums. My professional opinion is based, in part, upon the completion of certain tests and measurements and/or the review of the results of such tests and measurements completed by others. The rendering of this opinion in no way relieves any other party from meeting requirements imposed by contract, plans, specifications or commonly accepted industry standards."

(b) Once the improvements are approved and the surety released, the Council will review the public roadways for acceptance into the Town System for Maintenance.

(Ord. 09-51, passed 4-21-2009)

§ 152.11 AMENDMENTS, REVISIONS, REPLAT AND ADDITIONAL AUTHORITIES.

(A) Map amendments/corrections.

(1) No changes, erasures, modifications or revisions shall be made in the final plat after approval of the plat has been given by the Council, except that any plat map of a subdivision that has been approved and/or recorded may be amended to correct a scrivener error in any course or distance or other necessary item that was omitted there from, or to correct a drafting, graphic, technical, typographical or similar type error, including lot line adjustments that do not create new lots or reduce the size of any lot below the minimum required for its district, or for

minor changes related to public safety, infrastructure alterations, adjustments and conflicts or a documented change in conditions. A request for an amended map for corrections and modifications specified above may be filed with the Department.

(2) The Community Development Director shall examine such amended map, and if such examination discloses that the only changes on the amended map are the changes authorized above, he shall certify this to be a fact over his signature on the amended map. If the subdivision was previously recorded, it will thereafter be entitled to be recorded as the "AMENDED MAP OF _____."

(3) The use of the terminology of amended map shall not be used to add any lot lines, streets or easements; or statements that were not contained on the approved plat, since such actions necessitate reprocessing of the plat.

(B) *Revision of plat.* The following requested changes to an approved final plat shall be considered a revision of plat and require an application and the same processing as that of the original final plat (§ 152.08) and subsequent approval by the Council:

(1) Any division of a lot or lots in a recorded subdivision resulting in an increase in the total number of lots in that subdivision;

(2) Any revision or replat involving dedication or abandonment of land for a public street, public easement, or other public rights-of-way;

(3) Any change in lot lines in a recorded subdivision; provided, however, that changes in lot lines, which result in only nominal increases or decreases of lot sizes, may be administratively approved as a replat;

(4) Any changes in the location of streets, easements, and other public rights-of-way; provided, however, that nominal changes may be administratively approved as a replat; or

(5) Any changes in the exterior boundary of a recorded subdivision.

(C) *Replat.*

(1) The request for changes that are considered nominal, as listed below, shall be considered a replat and may be administratively approved by the Community Development Director; the Community Development Director, however, may require the request to be acted upon by Council, requiring an application in accordance with the processing of a final plat (§ 152.08).

(a) The joining or merger of lots in a recorded subdivision;

(b) Any joining of lots and subsequent division of those lots in a recorded subdivision which result in no increase in the total number of lots in that subdivision;

(c) Any changes in lot lines, which result in only nominal increases or decreases of lot sizes;

(d) Any nominal changes in the location of streets, easements, and other public rights-of-way.

(D) *Additional authorities.*

(1) *Other plats.* The Council shall review the following in compliance with these regulations, and conduct hearings for approval or denial in addition to final subdivision plats:

(a) Plats filed for the purpose of reverting to acreage of land previously subdivided.

(b) Plats filed for the purpose of vacating streets or easements previously dedicated to the public.

(c) Plats filed for the purpose of vacating or re-describing lot or parcel boundaries previously recorded.

(2) Protected development right. Pursuant to A.R.S. § 9-1202, a final subdivision plat that is approved by Council and meets all state and town regulations regarding subdivisions is a protected development right plan as defined in A.R.S. § 9-1201 as the right to undertake and complete the development and use of property under the terms and conditions of a protected development right plan, without compliance with subsequent changes in zoning regulations and development standards, except as provided by A.R.S. § 9-1204.

(a) A protected development right established under a protected development right plan is valid for three years for a non-phased development or five years for a phased development.

(b) The Council may extend for a maximum of two additional years the duration of a protected development right obtained through approval of a protected development right plan, if a longer time period is warranted by all relevant circumstances, including the size, type and phasing of the development on the property, the level of investment of the landowner, economic cycles and market conditions. The decision to extend the time period for a protected development right is in the discretion of the Council. However, a protected development right shall not remain established for more than five years for a non-phased development or seven years for a phased development.

(Ord. 09-51, passed 4-21-2009)

the subdivision regulations of the county, approved and recorded prior to the incorporation of the town.

(B) *Penalty.* A division of a parcel of land, or the division of a structure into multiple interests, which is in violation of the provisions, requirements, and processes of this chapter, shall be considered a violation of this Planning and Zoning Ordinance and subject to the provisions of § 153.228.

(Ord. 09-51, passed 4-21-2009)

§ 152.99 PENALTY.

(A) *Violations.* It is unlawful for any person to offer to sell or lease, to contract to sell or lease or to sell or lease any subdivision or part thereof until a final plat thereof, in full compliance with provisions of these regulations, has been approved by the Council and recorded in the office of the County Recorder. This shall not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with

agriculture sales). Nothing in this chapter is intended or will be effective to regulate land uses where such land use regulation has been preempted by state or federal regulation.

(Ord. § 201, passed 9-4-2008)

§ 153.016 NONCONFORMING USES AND STRUCTURES.

The lawful use of any building, structure or land existing at the time of the effective date of this chapter may be continued, although such use does not conform to the provisions hereof.

(A) *Discontinuance.* If a nonconforming use shall be discontinued on a continuous basis for a period of 12 months, except as noted for dwelling units, any subsequent use shall conform to the provisions of this chapter. If the use of a dwelling unit as nonconforming lodging is discontinued on a continuous basis for a period of 30 days, the use shall conform to the provisions of this chapter.

(B) *Wear and tear.* Nothing in this chapter shall prevent the reconstruction, repairing and continued use of a nonconforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.

(C) *Restoration.* Any nonconforming structure or a conforming building containing a nonconforming use damaged or destroyed by casualty or act of God may be restored within a 12-month period therefrom without impairment to any nonconforming status.

(D) *Change of use.* A nonconforming use may not be changed to another use unless or without complying with the provisions of this chapter.

(E) *Expansion.* A nonconforming business use may expand if the expansion does not exceed 50% of the area of the original business. Expansion of a nonconforming business use, other than within an existing building, requires compliance with the district requirements for yards, spacing, percent of lot

coverage and all other such regulations. Additional parking area necessitated by such expansion shall not count against the 50% expansion allowance. Where such expansion is an open-land use, a solid masonry wall (or other wall, fence or hedge as may be approved by the Town Council) must be installed as protective sight screening between the expanded use and any residential zoned lot within 200 feet.

(F) *Mixed uses.* Nonconforming and conforming uses and structures may be included on the same lot within limits of the district regulations for conforming uses and structures.

(G) *Special consideration of qualified non-conforming parcels.* A non-conforming parcel is a parcel that fails to meet the minimum requirements (such as area, width or length) as prescribed by its overlying zoning use district. Development of such parcels may be considered provided that an individual parcel qualifies and is subject to the following criteria:

(1) A non-conforming parcel that meets the following criteria is a Qualified Non-Conforming Parcel and may be developed as nearly as possible in conformance with the overlying zoning district:

(a) Was legally created in full conformance with the zoning in place at the time of parcel creation;

(b) Has adequate and properly documented access for ingress and egress;

(c) Meets building setbacks of the overlying zoning district; and

(d) Meets all Town's building code requirements (Town Code Chapter 150).

(2) Following the initial construction and development as above of a Qualified Non-Conforming Parcel, the parcel will thereafter be considered a legal non-conforming use.

(Ord. 08-44 § 202, passed 10-21-2008; Am. Ord. 10-65, passed 3-16-10)

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NOTICE

LOCAL
JURISDICTIONS
MAY REQUIRE
LAND DIVISION
PERMITS AND
ZONING
COMPLIANCE
WHEN SPLITTING
PROPERTY