

CHAPTER 14. SUBDIVISIONS

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Article 14-01 GENERAL PROVISIONS

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14-01-010 Purpose and Intent.

- A. The purpose of this Chapter is to provide for the orderly growth and harmonious development of the Town of Prescott Valley; to ensure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements; to ensure consideration of adequate sites for schools, recreation areas and other public facilities; to promote the conveyance of land by accurate legal description; and to provide procedures for the achievement of these purposes.

- B. In its interpretation and application, the provisions of this Chapter are intended to provide a common ground for understanding and equitable working relationships between public and private interests, to the end that both independent and mutual objectives can be achieved in the subdivision of land.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-01-010; Ord. No. 375, Amended, 12/28/95)

14-01-020 Definitions.

- A. In this Chapter, unless the context otherwise requires:
 - 1. "Alley" means a public passageway affording a secondary means of access to abutting property.
 - 2. "Approved Lending Institution" means any title insurance company, title insurance agent, bank, savings and loan association or mortgage lending company currently approved by the Federal Housing Administration to act as a mortgagee and qualified to transact business in the State of Arizona, and any other lending institution approved by the Town Attorney.
 - 3. "Block" means that property fronting on one (1) side of a street and so bounded by other streets, canals, railroad right-of-way, unsubdivided acreage, or other barriers (except alleys) of sufficient magnitude as to interrupt the continuity of development on both sides thereof.
 - 4. "Commission" means the Planning and Zoning Commission of the Town of

Prescott Valley.

5. "Conditional Approval" means an affirmative action by the Commission or Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.
6. "Condominium" means the improvement of land with one (1) or more floors in accordance with Town standards, in which an undivided interest in common, in all or a portion of land, is coupled with the right of exclusive occupancy of any unit of airspace thereon. A condominium may include an individual interest in common in a portion of the building or buildings; a separate interest in a portion of a building; or a separate interest in a portion of the land together with an undivided interest in common in a portion of the land.
7. "Department" means the Planning Department of the Town of Prescott Valley.
8. "Development" means the utilization of land for public or private purposes.
9. "Development Master Plan" means a preliminary master plan for the development of a large or complicated area, the platting of which is expected in progressive stages. A Development Master Plan may be designed by the subdivider or by the department, and shall be subject to Commission or Council approval.
10. "Easement" means a grant by the owner of the use of land by the public, a corporation or person for specific uses and purposes (and so designated).
11. "Engineering Plans" means plans, profiles, cross-sections and other required details for the construction of improvements, prepared by a registered engineer in accordance with the approved Preliminary Plat and in compliance with standards of design and construction approved by the Council.
12. "Exception" means any parcel of land within the subdivision which is not owned by the subdivider or not included in the recorded plat. All such exceptions must be noted on the Final Plat as "not a part of this subdivision".
13. "Final Approval" means unconditional approval of the Final Plat of a subdivision. Such final approval must be certified on the plat by the Mayor and attested by the Town Clerk.
14. "General Plan" means a Comprehensive Plan, or parts thereof, providing for the future growth and improvement of the Town and for the general location of streets, schools, recreation areas, public building sites, and other physical development (sometimes referred to as the "Master" or "Comprehensive" Plan).
15. "Improvements" means required installations, pursuant to this Chapter, including (but not limited to): grading, sewer and water utilities, streets, alleys, underground street light circuits and traffic control devices; as a condition to the approval and acceptance of the Final Plat (precedent to recordation of an approved Final Plat).

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16. "Improvement Standards" means a set of regulations setting forth the details, specifications and instructions to be followed in the planning, design and construction of certain required improvements to property.
17. "Irrigation Facilities" means canals, laterals, ditches, conduits, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water and the construction, operation and maintenance of such.
18. "Lot" means a parcel of land within a single block which, by reason of ownership, recording, or use, is separate and distinct from other such parcels and has its principal frontage on a dedicated street, street easement, or private access way.
 - a. "Corner Lot" means a lot abutting on two (2) or more intersecting streets where the angle of intersection does not exceed one hundred thirty-five degrees (135°).
 - b. "Interior Lot" means a lot having only one (1) side abutting on a street.
 - c. "Key Lot" means an interior lot, one (1) side of which is contiguous to the rear line of a corner lot.
 - d. "Through Lot" means a lot abutting two (2) parallel or approximately parallel streets.
19. "Lot Area" means the area in square feet lying within the lines of the lot.
20. "Lot Depth" means the distance between the mid-point of the front and rear lot lines.
21. "Lot Line" means:
 - a. Front: The front lot line shall be that line abutting the street. On corner lots the front line shall be the shorter of the two (2) street lines as originally platted, subdivided, or laid out. Where lines are equal, the front line shall be that line which is obviously the front by reason of prevailing custom of other buildings in the block. If such is not evident, then either may be considered the front of the lot (but not both). The front lot line of a through lot shall be that line which is obviously the front by reason of usage of adjacent lots. Such a lot exceeding one hundred eighty-eight (188) feet in depth shall be considered, for purposes of this Chapter, as two (2) lots each with its own frontage.
 - b. Rear: The rear lot line shall be that line opposite the front line. Where the side lines meet in a point, the rear line shall be considered parallel to the front line or a tangent of the mid-point of a curved front line and lying ten (10) feet within the lot.
 - c. Side: Those property lines connecting the front and rear lot lines.

22. "Lot Width" means:
 - a. If side lines are parallel, the shortest distance between the side lines.
 - b. If side lot lines are not parallel, the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zoning district in which the lot is located. The axis of a lot shall be a line joining the midpoint of the front and rear property lines.
23. "Neighborhood Plan" means a plan designed to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land, correlate street patterns, and achieve the best possible land-use relationships.
24. "Open Space Lands" means any space or area characterized by great natural scenic beauty, or whose existing openness, natural condition, or present state of use (if retained), would maintain or enhance the preservation of natural or scenic resources, or the production of food or fiber.
25. "Owner" means the person or persons holding title by deed to land, or holding title as vendor under land contract, or holding any other title of record.
26. "Pedestrian Way" means a public walk dedicated entirely through a block from street to street, or providing access to a school, park, recreation area, or shopping center.
27. "Plat" means a map which provides for changes in land use or ownership.
 - a. "Preliminary Plat" means a tentative map, including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, a registered land surveyor, a landscape architect, or architect in accordance with this Chapter and the statutes of the State of Arizona. A preliminary site plan for a condominium development shall be considered a Preliminary Plat.
 - b. "Final Plat" means a map of all or part of a subdivision, including supporting data, essentially conforming to an approved Preliminary Plat, prepared by a registered civil engineer, a registered land surveyor, a landscape architect, or an architect in accordance with this Chapter and the statutes of the State of Arizona.
 - c. "Recorded Plat" means a Final Plat bearing all certificates of approval required by this Chapter and the statutes of the State of Arizona, and duly recorded in the Yavapai County Recorder's Office.
 - d. "Reversionary Plat" means:
 - (1) A map for the purpose of reverting previously subdivided acreage to unsubdivided acreage; or

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- (2) A map for the purpose of vacating rights-of-way previously dedicated to the public and abandoned under procedures prescribed by the Town; or
 - (3) A map for the purpose of vacating or redescribing lot or parcel boundaries previously recorded.
- 28. "Preliminary Approval" means affirmative action on a Preliminary Plat, noted upon prints of the plat, indicating that approval of a Final Plat will be forthcoming upon satisfaction of specified stipulations (and which constitutes authorization to proceed with final engineering plans and Final Plat preparation).
- 29. "Private Access Way" means any private street or private way of access to one (1) or more lots or air spaces, which is owned and maintained by an individual or group of individuals and has been improved in accordance with Town standards and plans approved by the Town Engineer. A private access way is intended to apply where its use is logically consistent with a desire for neighborhood identification and control of access, and where special design concepts may be involved (such as within Planned Area Developments, mobile home developments, sub-lot developments, hillside areas and condominiums).
- 30. "Right-of-Way" means any public or private access way required for ingress or egress, including any area required for public use pursuant to any General or Specific Plan as provided for in this Chapter. [Right-of-way may consist of fee title dedications or easements].
- 31. "Secretary of the Board" means the Chairman of the Planning and Zoning Commission or his designated representative.
- 32. "Street" means any existing or proposed street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for public vehicular access or other way which is a State, County or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the County Recorder's Office. A street includes all land within the street right-of-way lines, whether improved or unimproved, including such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges, viaducts, and landscaping.
 - a. "Freeway - Expressway" means a street providing for the expeditious movement of large volumes of through traffic between areas or across, around or through the Town or urban area; a divided arterial highway with full control of access and not intended to provide direct access to abutting land. In urban areas both will normally be a portion of a system or network of freeways.
 - b. "Major Street or Highway" means a street providing for traffic movement between areas and across portions of the Town, direct service to principal generators, and connections to the freeway-expressway

system; and, secondarily, for direct access to abutting land. Such are subject to necessary regulation and control of parking, directional controls, turning movements, entrances, exits and curb use. Such streets are often divided arterial roadways and may have some control of access. The individual major streets combine to make a system of Town-wide traffic movement.

- c. "Collector" means a street providing direct service to residential areas from major streets and highways for traffic movement within neighborhoods of the Town and for direct access to abutting property. It collects local traffic from the neighborhoods and delivers the same to the nearest major street or highway.
 - d. "Frontage Road" means a collector street located within a freeway or expressway right-of-way and parallel to the freeway or expressway traffic lanes.
 - e. "Local Street" means a street providing for direct access to residential, commercial, industrial, or other abutting land, and for local traffic movements and connections to collector or major streets.
 - f. "Marginal Access Road" means a local street, located within the major street or highway right-of-way, parallel and adjacent to major traffic lanes, providing direct access to abutting property, intercepting local streets, and controlling access to major streets.
 - g. "Cul-de-Sac" means a short local street having one end permanently terminated in a vehicular turnaround (or an equally convenient form of turning), and backing areas as may be recommended by the Town Engineer.
 - h. "Parkway" means any of the street types which are intensively landscaped to provide attractive or scenic appearance, or located in a park or park-like area. The use of the facility may be restricted to non-commercial traffic.
33. "Street Classification Plan" means a plan which provides for the development of a system of major streets and highways, including the location, width, and alignment of existing and proposed thoroughfares.
34. "Subdivider" means a person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files the application and initiates proceedings for a subdivision in accordance with the provisions of this Chapter and statutes of the State of Arizona, except that an individual serving as agent for such legal entity is not a subdivider. Said subdivider need not be the owner of the property as defined by this Chapter. The Town Council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.
35. "Subdivision" means improved or unimproved land or lands divided for the

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purpose of financing, sale, or lease, whether immediate or future, into four (4) or more lots, tracts, or parcels of land; or, if a new street is involved, any such property which is divided into two (2) 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 (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon. However, 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:

- a. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
 - b. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
 - c. The leasing of apartments, offices, stores or similar space within a building, mobile/manufactured home park, or recreational vehicle park.
 - d. Mineral, oil or gas leases.
36. "Subdivision Design" means street alignment, grades, and widths; alignment and widths of easements and right-of-way for drainage, sanitary sewers and public utilities; the arrangement and orientation of lots; and locations of buildings together with refuse collection and maintenance easements in condominium developments.
37. "Usable Lot Area" means that portion of a lot usable for, or adaptable to, the normal uses made of property, (excluding any areas which may be covered by water, have grades exceeding twenty percent (20%), or be included in certain types of easements).
38. "Utilities" means installations of facilities, underground or overhead, furnished for the use of public electricity, gas, steam, communications, water, cable television or sewage disposal, owned and operated by any person, firm, corporation, municipal department or board, duly authorized by State or municipal regulations. Utilities as used herein may also refer to such persons, firms, corporations, departments, or boards, as applicable herein.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-01-020; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95)

14-01-030 Administration.

- A. Responsibility: The Prescott Valley Planning and Zoning Commission is hereby authorized to receive, process and otherwise act upon Preliminary and Final

Subdivisions Plats and development plans in accordance with this Chapter. The Town Council shall have final jurisdiction over all matters pertaining to the implementation of these regulations, but shall neither receive nor review Final Plats or Development Master Plans until such have received the recommendations of the Commission. All applications for action under this Chapter shall be filed initially with the department for processing in accordance with this Chapter.

B. Application:

1. Where this Chapter imposes a greater restriction upon land, land improvement, or development and land use than is imposed by existing provisions of law, ordinance, contract or deed, this Chapter shall control.
2. This Chapter shall apply to all subdivisions as defined in Section 14-01-020 of this Chapter.

C. Fees: Applications for Preliminary and Final Plat approval shall be accompanied by a non-refundable filing fee established by resolution of the Town Council. The fee shall be based on the number of lots proposed to be platted and the Town's anticipated cost to review and process plats. Filing fees shall cover the cost of an amended or revised plat when processed as one (1) case, but an additional fee shall be charged in cases where preliminary approval expires prior to application for final approval.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-01-030; Ord. No. 375, Amended, 12/28/95)

14-01-040 Prohibition of Circumvention.

It is unlawful for any person to sell, offer to sell, or divide any lot, piece, or parcel of land which constitutes a subdivision or part thereof (as defined herein) without first having recorded a plat thereof in accordance with this Chapter.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-01-040)

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Article 14-02 PLATTING PROCEDURES AND REQUIREMENTS

- 14-02-010 Outline of Procedures.
- 14-02-020 Pre-Application Stage.
- 14-02-030 Preliminary Plat Stage.
- 14-02-040 Information Required for Preliminary Plat Submittal.
- 14-02-050 Final Plat Stage.
- 14-02-060 Information Required for Final Plat Submittal.

14-02-010 Outline of Procedures.

The preparation, submittal, review and approval of all subdivision plats located inside the limits of the Town shall proceed through the following stages:

- A. Pre-application stage.
- B. Preliminary Plat stage.
- C. Final Plat stage.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-02-010)

14-02-020 Pre-Application Stage.

- A. Purposes: This stage affords the subdivider the opportunity of obtaining the advice and assistance of, and informally discussing the proposed subdivision with the department prior to the expense of a Preliminary Plat preparation. It also affords the department the opportunity to give informal guidance at a time when potential points of conflict can be most easily resolved, subsequent relations improved, official action simplified, and undue expense and delay saved by the subdivider.
- B. Actions by the Subdivider: The subdivider shall meet informally with the department to present a general outline of his proposal including, but not limited to:
 - 1. Sketch plans and ideas regarding land use, street, and lot arrangements and tentative lot sizes.
 - 2. Tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvements.
- C. Actions by the Department: The department shall discuss the proposal with the subdivider and advise him of procedural steps, design and improvement standards, and general plat requirements. Then, depending upon the scope of the proposed development, the department shall proceed with the following investigations:

1. Check existing zoning of this district.
 2. Advise the subdivider if a zoning change will be required and that such change must be obtained prior to additional processing of the application.
 3. Determine the adequacy of existing or proposed schools, parks, and other public spaces.
 4. Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses, and determine if there are any unusual problems such as topography, utilities, flooding, etc.
 5. Determine the need for preparation and review of a Development Master Plan prior to subsequent consideration of a Preliminary Plat. Advise the subdivider if a Development Master Plan is required and to what extent it shall be prepared by the developer and by the department.
- D. Development Master Plan: The department shall use the following guidelines in establishing the need for a Development Master Plan: whether the tract is sufficiently large to comprise an entire neighborhood; whether the tract initially proposed for platting is only a portion of a larger landholding of the subdivider; or whether the tract is a part of a larger land area, the development of which is complicated by unusual topographic, utility, land use, land ownership or other conditions. The entire land area considered in determining the need for a Development Master Plan need not be under the subdivider's control.
1. Preparation: The Development Master Plan shall be prepared to scale and accuracy (commensurate with its purpose) and shall include:
 - a. General street pattern with particular attention to collector streets and future circulation throughout the neighborhood.
 - b. General location and size of school sites, parks, or other public areas.
 - c. Location of shopping centers, multi-family residential areas, or other proposed land uses.
 - d. Methods proposed for sewage disposal, water supply, and storm drainage.
 - e. Location of buildings and circulation for condominium developments on all land owned by the subdivider.
 2. Approval: Upon acceptance of the general design approach by the department, the Development Master Plan may be submitted to the Commission and Council for their consideration. If general approval is given, notice to that effect shall be recorded in the minutes of both bodies and a copy of said minutes transmitted to the subdivider and his engineer. If development is to take place in several parts, the Development Master Plan should be submitted as supporting data for each part. The Development Master Plan should be kept

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up-to-date by the subdivider and the department as modifications take place.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-02-020; Ord. No. 375, Amended, 12/28/95)

14-02-030 Preliminary Plat Stage.

The Preliminary Plat stage of land and airspace subdivision includes detailed planning, submittal, review, and approval of the Preliminary Plat. To avoid delay in processing his application, the subdivider shall provide the department with all information essential to determine the character and general acceptability of the proposed development.

- A. Zoning: The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. However, in the event that a zoning amendment or a zoning adjustment is necessary for conformance with district regulations, said action shall be initiated by the property owner or his authorized agent. The department shall not proceed with processing of the Preliminary Plat until the necessary amendment or adjustment has been obtained. Any furtherance of pre-development activity engaged in, by, or on behalf of the developer while an application for zoning amendment or variance is pending shall in no instance be construed as having been undertaken in reliance of a favorable determination of such application (notwithstanding the nature of a department recommendation on the matter). In any event, any such zoning amendment or adjustment required in relation to the Preliminary Plat shall have been adopted prior to Preliminary Plat approval.
- B. State and County Sanitary Sewerage and Water Supply Requirements: Where location of the development requires that the State and/or County be involved in sewage disposal, water supply, or fire protection, the subdivider shall have first informed the appropriate State and/or County department of his tentative plans and learned the general requirements prior to preliminary plat review by the department.
- C. Preliminary Plat Submission:
 - 1. Twenty (20) copies of the Preliminary Plat, an eight and one-half by eleven (8 1/2x11) inch transparency and other required supporting data prepared in accordance with requirements set forth in this Section shall be filed with the department at least twenty-one (21) days prior to the Commission meeting at which the subdivider desires to discuss the plat. Submission shall include fees as required by Section 14-01-030 of this Chapter. Copies of the Preliminary Plat shall be reproduced in the form of blue line or black line prints on a white background. Scheduling of the case for Commission hearing shall be dependent upon adequacy of data presented and completion of processing.
 - 2. The submittal shall be checked by the department for completeness and assigned a case number. If it is incomplete as to those requirements set forth in this Section, the submittal shall be rejected and the subdivider notified within five (5) days from the date the map was received.
 - 3. Preliminary Plats of subdivisions outside the Town but within a three (3) mile

radius of the Town shall be submitted by the developer to the Town Planning and Zoning Department for review with fees as outlined in Subsection 14-01-030(C) of this Chapter. In addition, the Joint Town/County Planning and Zoning Commission shall meet to review the plat and forward its recommendation to the Yavapai County Planning and Zoning Commission pursuant to ARS §9-474, as amended.

D. Preliminary Plat Review:

1. On receipt of the Preliminary Plat, the Department shall perform its review for compliance to public objectives, giving special attention to design principles and standards as set forth in Article 14-03 of this Chapter; to streets and thoroughfares as related to the Town street and highway plans and to neighborhood circulation; to utility methods and systems; to existing and proposed zoning and land use of the tract and its environs; and to land required for schools, parks, and other public facilities.
2. The department shall distribute copies of the plat to the following reviewing offices:
 - a. Town Engineer for review.
 - b. Director of Public Works for review of the proposed street system; street plans, and compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; and water and sewage disposal proposals.
 - c. Police Chief, Fire Chief and Building Inspector for review of features of the proposed development relating to their respective areas of operation.
 - d. Where applicable, to the appropriate State and/or County departments for review of water and/or sewage disposal proposals.
 - e. Superintendent of the appropriate school district for his information.
 - f. Where the land abuts a State highway, to the Arizona Department of Transportation and to the County Highway Department for recommendations regarding right-of-way and intersection design.
 - g. Appropriate Town utility departments (as well as any other interested utilities).
 - h. United States Postmaster at Prescott, Arizona.
3. The reviewing offices shall transmit their recommendations to the department in writing. The department shall receive and summarize the reviewing offices' recommendations, prepare a report, and present it to the Commission.

E. Preliminary Plat Approval:

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1. If the department report indicates that the requirements of this Chapter have been met, the Commission shall consider the Preliminary Plat at the next regular meeting [but not less than thirty (30) days from the date of filing].
 2. The Commission shall consider the Preliminary Plat and the department's recommendations, and if satisfied that all objectives have been met, the Commission shall approve the Preliminary Plat and the secretary shall stamp a notation of approval on two (2) copies of the plat [one (1) being returned to the subdivider, and one (1) retained in the permanent Commission file].
 3. If the plat is generally acceptable but requires minor revision before proceeding with preparation of the Final Plat, the Commission shall find conditional approval and note the required revisions in the minutes of the meeting and in a report to the subdivider. At the direction of the Commission, the plat may be given approval subject to the revisions in accordance with the stated conditions and reviewed by the department.
 4. If the Commission finds that the plat requires major revision, the plat may be continued pending revision or re-submittal for the same tract or any part thereof, and shall follow the aforementioned procedure.
- F. Significance of Preliminary Approval: Preliminary approval constitutes authorization for the subdivider to proceed with preparation of the Final Plat and the engineering plans and specifications for improvements. Preliminary approval is based upon the following items:
1. All subsequent Final Plats submitted within the Preliminary Plat shall comply with the basic conditions under which the Preliminary Plat is granted by the Planning and Zoning Commission.
 2. Preliminary Plat approvals shall expire after twenty-four (24) months from the date of Commission approval unless a Final Plat which complies with the provisions of this Article is submitted for approval prior to the expiration of said period. Notwithstanding this requirement, a different period of validity may be negotiated as part of a development agreement between the subdivider and the Town pursuant to ARS §9-500.05 (as amended).
 3. Preliminary Plat approval, in itself, does not assure final acceptance of streets for dedication nor continuation of existing zoning requirements for the tract or its environs, nor constitute authorization to record the plat.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-02-030; Ord. No. 268, Amended, 12/12/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 386, Amended, 07/11/96; Ord. No. 442, Amended, 08/27/98)

14-02-040 Information Required for Preliminary Plat Submittal.

- A. Form of Presentation: The information hereinafter required as part of the Preliminary

Plat submittal shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred (100) feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring twenty-two by thirty-six (22x36) inches and not exceeding thirty-two by forty-two (32x42) inches.

B. Identification and Descriptive Data:

1. Proposed name of subdivision and its location by section, township, range, and reference by dimension and bearing to a section or quarter section corner.
2. Name, address, and phone number of engineer, surveyor, landscape architect, or land planner preparing plat.
3. Name, address, and phone number of subdivider.
4. Scale, north point, and date of preparation (including dates of any subsequent revisions).
5. A location map which shows the relationship of the proposed subdivision to main traffic arteries and any other facilities which might help to locate the subdivision. This map may be on the Preliminary Plat,, but, if this is not practical, then a separate map showing title, north point, scale, and date shall be provided.

C. Existing Conditions Data:

1. Topography by contours or "spot elevations" related to USC&GS survey datum, or other datum approved by the Town Engineer shown on the same map as the proposed subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.
2. Location of fences, water wells, streams, canals, irrigation laterals, private ditches, washes, lakes or other water features; direction of flow; location and extent of areas subject to inundation (whether such inundation be frequent, periodic or occasional).
3. Location, widths and names of all platted streets, railroads, utility rights-of-way of record, public areas, and permanent structures to remain (including water wells and municipal corporation lines within, adjacent to, or extending from the tract).
4. Location of all existing improvements on public rights-of-way and on private property (including utility lines and trees).
5. Name, book, and page numbers of any recorded adjacent subdivisions having common boundaries with the tract.
6. By note, the existing zoning classifications of the subject tract and adjacent

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tracts.

7. By note, the acreage of the subject tract.
8. Boundaries of the tract to be subdivided shall be fully dimensioned.
9. Engineers' calculations and estimated values for each tributary storm runoff for the one hundred (100) year and fifty (50) year frequency storms (said values to be indicated along the boundary of the plat for all points of drainage entering the property).

D. Proposed Conditions Data:

1. Street layout, including location, width, curve radii, and proposed names of streets, alleys and crosswalks; and connections to adjoining platted tracts.
2. Typical lot dimensions (scaled); dimensions of all corner lots and lots of curvilinear sections of streets; individual lot numbers; total number of lots or dwelling units.
3. Designation of all land to be dedicated or reserved for public use (with use indicated).
4. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classifications and status of zoning change, if any.
5. Proposed development units.
6. Proposed storm water disposal system and preliminary calculations and layout of proposed drainage system. The direction of proposed street drainages to be indicated by arrows on the plat and, if required by the Town Engineer, a proposal to provide for detention of storm water is to be shown.
7. Compliance with:
 - a. The Town Flood Control Regulations in Chapter 12 of this Code relating to the construction (or prevention of construction) of streets in land established as being subject to periodic inundation.
 - b. Rules as may be established by the Arizona Department of Transportation relating to provisions for safety of entrance upon and departure from abutting State primary highways.
 - c. Statutes, ordinances, rules and regulations of the appropriate State, County, or Town departments (as applicable), relating to the provision of domestic water supply and sanitary sewerage disposal.

E. Proposed Utility Methods:

1. Sewage Disposal: A statement as to the type of facilities proposed shall appear on the Preliminary Plat.
2. Water Supply: A statement as to the water supply for the development shall appear on the Preliminary Plat.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-02-040; Ord. No. 268, Amended, 12/12/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 563, Amended, 07/10/03)

14-02-050 Final Plat Stage.

This stage includes the final design of the subdivision, engineering of improvements, and submittal of the plat and plans by the subdivider for review and for action by the department, Commission, and Council.

- A. Zoning: Zoning of the tract shall permit the proposed use, and any zoning amendment necessary shall have been adopted by the Council prior to filing of the Final Plat.
- B. Easements: It shall be the responsibility of the subdivider to provide on the Final Plat, prior to plat recordation, the location and width of easements as required for utility and drainage purposes.
 1. The following notation shall be placed upon all Final Plats which provide utility easements: no structure of any kind shall be constructed or placed within or over the utility easement except utilities; wood, wire or removable section type fencing; asphalt paving; or grass. It shall be further understood that the Town shall not be required to replace any obstructions, paving or planting that must be removed during the course of maintenance, construction or reconstruction.
 2. The following notation shall be placed on all Final Plats which provide drainage easements: no structure of any kind shall be constructed nor any vegetation planted or allowed to grow within or over the drainage easement, which would obstruct or divert the flow of storm water. The Town may, if it so desires, construct or maintain drainage facilities on or under the land of the easement.
- C. Final Plat Preparation: The Final Plat shall be presented in accordance with requirements set forth in this Section and shall substantially conform to the approved Preliminary Plat.
- D. Final Plat Submission: The subdivider shall file with the department one (1) Final Plat linen, one (1) mylar transparency, and thirteen (13) copies thereof, together with a letter of transmittal and recordation fee, at least twenty-one (21) days prior to the Council meeting at which consideration is desired. A fee for Final Plat and construction plan review will be in accordance with Section 14-01-030 of this Chapter.
- E. Final Plat Review:
 1. The department, upon receipt of the Final Plat submittal, shall immediately

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record receipt and date of filing and check it for completeness. If complete, the department shall review the plat for substantial conformity to the approved Preliminary Plat and refer copies of the submittal to the following reviewing offices who shall make known their recommendations in writing, addressed to the Council.

- a. Director of Public Works, Town Engineer, and Sewer Department for approval of flood control and proposed street system; for examination of survey and computations of the plat; and for approval of sewer and water proposals.
 - b. Building Inspection and Parks and Recreation, when applicable.
 - c. When applicable, the appropriate State and County departments for approval of sewage disposal and water supply plans.
 - d. Arizona Department of Transportation or County Highway Department for approval where the plat abuts a State or County highway.
2. The department shall assemble the recommendations of the various reviewing offices, prepare a concise summary of recommendations, and submit said summary together with the reviewer's recommendations to the Council. In the event that the department finds that the Final Plat does not conform to the Preliminary Plat, as approved by the Commission, then the Final Plat shall be submitted to the Commission for review and recommendations prior to submittal to the Council.

F. Final Plat Approval:

1. Upon receipt of a request for Council action from the Town Manager, the Town Clerk shall place the Final Plat on the agenda of a regular Council meeting, whereupon the Council shall approve or deny the plat.
2. If the Council approves the Final Plat, the Town Clerk shall transcribe a certificate of approval thereon, first making sure that the other required certifications pursuant to this Article have been duly signed.
3. When the certificate of approval by the Council has been transcribed on the Final Plat, the department shall retain the record copy until the Town Engineer certifies that the subdivision has been staked and the engineering plans have been approved.
4. The department shall cause the Final Plat to be recorded in the Office of the County Recorder of Yavapai County.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-02-050; Ord. No. 268, Amended, 12/12/91; Ord. No. 375, Amended, 12/28/95)

14-02-060 Information Required for Final Plat Submittal.

- A. Method and Medium of Presentation: Size prerequisites for recording maps and plats that exceed a size of eight and one-half (8 1/2) by fourteen (14) inches shall be subject to the following restrictions:
1. A map or plat of a subdivision.
 - a. Shall be drawn in india ink on a sheet or sheets of linen or mylar measuring twenty-four (24) by thirty-six (36) inches, with a left margin of two (2) inches.
 - b. The map or plat shall be drawn to an accurate scale not to exceed two hundred (200) feet to the inch.
 2. All other maps or plats.
 - a. Shall be drawn in india ink on a sheet or sheets of linen or mylar measuring eighteen (18) by twenty-six (26) inches with a left margin of two (2) inches.
 - b. The map or plat shall be drawn to a scale not to exceed three hundred (300) feet to the inch.
 3. Copies of the record plat shall be reproduced in the form of blueline or blackline prints on a white background.
- B. Identification Data Required: The following identification data shall be required as a part of the Final Plat submittal.
1. A title which includes the name of the subdivision and its location by number of section, township, range and county.
 2. Name, address and registration number of seal of the registered civil engineer or registered land surveyor preparing the plat.
 3. Scale, north arrow, and date of plat preparation.
- C. Survey Data Required: The following survey data shall be required as a part of the Final Plat submittal.
1. The corners of the plat shall be located on the monument lines of abutting streets, and the boundaries of the tract to be subdivided shall be fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
 2. Any excepted parcels within or surrounded by the plat boundaries shall be noted as "not a part of this subdivision", and all bearings and distances of the excepted parcel (as determined by an accurate survey in the field) shall be

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shown. All dimensions shall be expressed in feet and decimals thereof.

3. The location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat are referenced shall be shown. Each of two (2) separate corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter section corners.
 4. The location of all physical encroachments upon the boundaries of the tract shall be shown.
- D. Descriptive Data Required: The following descriptive data shall be required as part of the Final Plat submittal.
1. Name, right-of-way lines, courses, length and width of all public streets, alleys and crosswalks; radii, points of tangency, and central angles of all curvilinear streets and alleys; and radii of all rounded street line intersections.
 2. All drainageways shall be shown on the plat. The rights-of-way of all major drainageways, as designated by the Town Engineer, shall be dedicated to the public.
 3. All lots shall be numbered by consecutive numbers throughout the plat. All "tracts" and "parcels" shall be designated, lettered or named and clearly dimensioned, and parcels which are not part of the subdivision shall be so designated.
 4. Locations, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public, with the use clearly indicated.
 5. Location of all adjoining subdivisions, with name, book, and page number of recordation noted (or if unrecorded, so marked).
 6. Any proposed private deed restrictions to be imposed upon the plat or any part thereof pertaining to the intended use of the land (and to be recognized by the Town) shall be noted on the plat.
 7. All existing private easements within, on, or over the plat shall be indicated, dimensioned, and noted as to their use.
- E. Dedication and Acknowledgment:
1. Dedication: There shall be required as part of the Final Plat submittal a statement of dedication of all streets, alleys, crosswalks, drainageways, pedestrian ways, and other easements for public use by the person holding title of record, by persons holding title as vendees under land contract, and by spouses of said parties. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication shall include a written location by section, township, and range of the tract. If the plat contains private access ways, public utilities shall be reserved the right to install and maintain utilities in the access ways (including refuse collection).

2. Acknowledgment of Dedication: Execution of dedication shall be acknowledged and certified by a notary public.
- F. Required Certifications: The following certifications shall be required as part of the Final Plat submittal.
1. Certification by the registered civil engineer or registered land surveyor making the plat that the plat is correct and accurate, and that the monuments described on it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.
 2. Certificate of plat approval by the Town Engineer.
 3. Certificate of plat approval by the Town Council.
 4. Certificate of recordation by the County Recorder.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-02-060; Ord. No. 375, Amended, 12/28/95)

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Article 14-03 SUBDIVISION DESIGN STANDARDS AND PRINCIPLES

- 14-03-010 In General.
- 14-03-020 Street Location and Arrangement.
- 14-03-030 Street Design.
- 14-03-040 Block Design.
- 14-03-050 Lot Planning.
- 14-03-060 Condominium Developments.
- 14-03-070 Easement Planning.
- 14-03-080 Street Naming and Addressing.
- 14-03-090 Hillside Development.

14-03-010 In General.

- A. Conformance to Plans. Every subdivision shall conform to requirements and objectives of the General Plan, or any parts thereof, as adopted by the Council, to the Town Zoning Chapter, to this Chapter, to other ordinances, codes, and regulations of the Town, and to the Arizona Revised Statutes, as amended.
- B. Dedication of Parks and other Public Lands. Where the tract contains all or any part of the site of a school, park, or other public site (as shown on the General Plan or as recommended by the Commission), such site shall either be dedicated to the public or reserved for acquisition by the public within a specified period of time. An agreement shall be reached between the subdivider and the appropriate public agency regarding time, method, and cost of such acquisition. In the event of failure to reach such agreement within a reasonable period of time for reasons satisfactory to the Commission, the Commission may determine that requirements of this Section have been met.
- C. Land Unsuitability. No land shall be subdivided which is held by the Commission to be unsuitable for residential use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formations, extreme topography, erosion susceptibility, or similar conditions which are likely to prove harmful to the health, safety and general welfare of the community or the future property owners. The Commission, in applying the provisions of this Section, shall state in writing the particular facts upon which its conclusions are based and shall also define the conditions under which the land may, in its opinion, become suitable for the proposed development. Any subdivider proposing development of such land shall have the right to present evidence to the Council contesting such determination of unsuitability, whereupon the Council may affirm, modify, or withdraw the restriction.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-03-010; Ord. No. 375, Amended, 12/28/95)

14-03-020 Street Location and Arrangement.

- A. Whenever a tract to be subdivided embraces any part of a street designated in an adopted Town street and highway plan, such street shall be platted in conformance therewith.
- B. Street layout shall provide for the continuation of such streets as the department may designate.
- C. Whenever a tract to be subdivided is located within an area for which a neighborhood plan has been approved by the Commission, the street arrangement shall conform substantially to said plan.
- D. Certain proposed streets, as designated by the department, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands.
- E. Local streets shall be so arranged as to discourage their use by through traffic.
- F. Where a proposed subdivision abuts or contains an existing or proposed major street, the department may require marginal access roads or reverse frontage with non-access easements along the major street or such other treatment as may be justified for protection of residential properties from the nuisance and hazard of high volume traffic, and to preserve the traffic function of the major street in other types of developments.
- G. Where a subdivision abuts or contains the right-of-way of a railroad, drainageway, a limited access highway, or an irrigation canal, or abuts a commercial or industrial land use, the Department may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges, or future grade separations.
- H. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient, and to facilitate adequate drainage.
- I. Alleys are required in all residential, commercial, and industrial subdivisions; however, this requirement may be waived by the Commission because of lot sizes, topography, or other circumstances.
- J. Half streets shall be discouraged except where necessary to provide right-of-way required by the Town street and highway plan, to complete a street pattern already begun, or to ensure reasonable development of a number of adjoining parcels. Where there exists a platted half street abutting the tract to be subdivided, the remaining half shall usually be platted within the tract.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-03-020)

14-03-030 Street Design.

- A. Minimum Required Right-of-Way Widths:

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1. Major streets and highways - as required by current Town, County or State standards.
2. Collector streets - as required by current Town standards.
3. Local streets - as required by current Town standards [sixty (60) foot full street right-of-way may be required adjacent to park and school sites].
 - a. Cul-de-sac streets shall terminate in a circular right-of-way forty-five (45) feet in radius with a three (3) foot utility easement around the turnaround. The department may recommend an equally convenient form of turning and backing areas where extreme conditions justify.
 - b. Dead-end streets will not be approved except in locations recommended by the department as necessary to future extension in development of adjacent lands. In any case, a dead-end street extending two hundred (200) feet or more shall be provided by easement a temporary turning circle with a forty (40) foot radius or other acceptable design to accomplish adequate access.
4. Marginal access roads - as required by current Town standards.
5. Alleys (when provided) - sixteen (16) feet wide where there is single-family residential on both sides, and twenty (20) feet wide if abutting commercial, multiple-family residential, or industrial districts. Alley intersections and sharp changes in alignment shall be avoided but, where necessary, corners shall be cut off fifteen (15) feet on each side to permit safe vehicular movement. Dead-end alleys are prohibited. All half alleys shall have a minimum width of twelve (12) feet.
6. Private access ways - as required by Town standards.

B. Grades:

1. Maximum:
 - a. Collector streets 7%
 - b. Local streets 15%
[All over twelve percent (12%) have a maximum length of six hundred (600) feet]
 - c. Major streets: as determined by the Town Engineer.
2. Minimum:
 - a. Concrete or asphalt streets with concrete gutters:
 - (1) Desirable 40%

(2) Minimum 15%

b. Concrete or asphalt streets without gutters:

(1) Minimum 35%

3. Exceptions: Where rigid adherence to these standards causes unreasonable or unwarranted hardship in design or cost without commensurate public benefit, exceptions may be made by the Commission upon review and recommendation of the Town Engineer.

C. Vertical Curves:

1. Major streets as determined by the Town Engineer.
2. When tangent centerlines deflect from each other more than ten (10) degrees and less than ninety (90) degrees, they shall be connected by a curve with a minimum centerline radius of five hundred (500) feet for collector streets or one hundred (100) feet for local streets.
3. Between reverse curves there shall be a tangent section of centerline not less than one hundred (100) feet long, unless the radius exceeds six hundred (600) feet on collector streets or two hundred (200) feet on local streets [in which cases fifty (50) feet of tangent shall be required].
4. Streets intersecting a major street shall do so at a ninety (90) degree angle. Intersections of local streets shall not vary from ninety (90) degrees by more than fifteen (15) degrees.
5. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited except when approved by the Town Engineer. Under special circumstances where local streets intersect major streets, the Town Engineer may require minimum centerline offsets of four hundred (400) feet.
6. Local streets intersecting a collector street or major street shall have a tangent section of centerline at least one hundred fifty (150) feet in length measured from the right-of-way line of the major street; except that, no such tangent is required when the local street curve has a centerline radius greater than four hundred (400) feet with the center located on the major street right-of-way line. Where topographic conditions make necessary other treatment to secure the best overall design, these standards may be varied by the Commission upon the recommendation of the Town Engineer.
7. Street intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided. Provisions of T-type intersections for local streets shall be encouraged.
8. At local street intersections, property line corners shall be rounded by circular arc, said arc having a minimum tangent length or radius of twelve (12) feet. A

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sixteen (16) foot by sixteen (16) foot triangle shall be provided at each corner of the intersection of two (2) major streets; and a fourteen (14) foot by eleven (11) foot triangle at each corner of the intersection of two (2) collector streets, or as approved by the Town Engineer.

9. Collector streets shall intersect the major streets at the midsection corners or as otherwise approved.
10. Local streets which are primary access to a subdivision shall intersect major streets at the quarter mile corners, or as otherwise approved.
11. Marginal access road openings to major streets at a local street intersection shall have a minimum thirty (30) foot wide separation island between the major street traffic lanes and marginal access road (which shall be provided within the major street right-of-way).
12. Marginal access roads shall not intersect a major street nor a collector street.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-03-030)

14-03-040 Block Design.

- A. Maximum length of blocks, measured along the centerline of the street and between intersecting street centerlines, fifteen hundred (1,500) feet; except that, in developments with lot areas averaging one-half (1/2) acre or more or where extreme topographic conditions warrant, this maximum may be exceeded by five hundred (500) feet. Blocks shall be as long as reasonably possible under the circumstances within the above maximum in order to achieve depth and possible street economy, and to reduce the expense and safety hazard arising from excessive street intersections.
- B. Maximum Length of Cul-de-Sac streets: three hundred twenty five (325) feet, measured from the intersection of right-of-way lines to the extreme depth of the turning circle along the street centerline. Exceptions may be made where topography justifies, but shall not be made merely because the tract has restrictive boundary dimensions wherein provisions should be made for extension of street pattern to the adjoining unplatted parcel and a temporary turnaround installed.
- C. Pedestrian, Bicycle and Equestrian ways: a minimum right-of-way width of ten (10) feet may be required where essential for circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities. Pedestrian ways may be used for utility purposes.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-03-040)

14-03-050 Lot Planning.

- A. Lot width, depth, and area shall comply with the minimum requirements of the Zoning Code and shall be appropriate for the location and character of development

proposed, and for the type and extent of street and utility improvements being installed. Where steep topography, unusual soil conditions, or drainage problems exist or prevail, the Commission may require special lot width, depth, and area requirements which exceed the minimum requirements of the particular zoning district.

- B. Where steep topography, unusual soil conditions, drainage problems, abrupt changes in land use, or heavy traffic on adjacent streets prevail, the Commission may make special lot width, depth, and area requirements which exceed the minimum requirements of the particular zoning district.
- C. Single-family residential lots shall not have a width to depth ratio greater than one (1) to three (3).
- D. Minimum front building lines shall conform to the minimum requirements of the Zoning Code.
- E. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified in the opinion of the department.
- F. Every residential lot shall abut upon a public street or private access way furnishing satisfactory access thereto.
- G. Residential lots extending through the block and having frontage on two (2) parallel streets, which are both local streets or one (1) of which is a local street and the other is a collector street, shall not be permitted except when there are commercial or industrial zoning districts on the opposite side of the street (and except as permitted in this Chapter). Backing of lots to major streets and freeways shall be prohibited except where justified by the Commission.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-03-050; Ord. No. 375, Amended, 12/28/95)

14-03-060 Condominium Developments.

- A. The processing of subdivision plats for condominium developments shall follow the procedures set forth in this Chapter for the processing of land subdivision plats. All sections of this Chapter shall be applicable to condominium subdivisions. A preliminary site plan shall be considered a Preliminary Plat, and a final site plan a Final Plat.
- B. The Final Condominium Subdivision Plat shall be certified by a registered architect or engineer that the plat accurately depicts the development as constructed, and shall be recorded prior to the sale of the first unit.
 - 1. Conversion of Conventional Apartment Developments. Preliminary Plats shall show the following, in addition to all information required by the department check list for site plans:

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- a. Firewall construction, if required by the Fire Code.
 - b. Additional parking, if required.
 - c. Additional open space, if required.
 - d. Location of individual utility lines and meters, if needed.
 - e. Additional exits.
2. Final Plats shall show:
- a. All buildings.
 - b. Private drives and parking areas.
 - c. Required assessments.
 - d. Designation of commonly-owned property.
 - e. Necessary dedication statement.
 - f. Statement concerning the formation of a homeowners' association for the maintenance of the commonly-owned property.
 - g. Necessary certifications and approvals.
3. New developments:
- a. Preliminary Plat shall show all of the information required by the department's site plan checklist.
 - b. Final Plats shall show all of the information required in Subsection 14-03-060(B)(2) this Section.
 - c. Building permits shall be issued in accordance with Final Plats approved by the department, prior to recordation of the plat.
 - d. Final Plats to be approved by the Town Council and recorded after construction has been completed and final inspection made.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-03-060)

14-03-070 Easement Planning.

- A. In addition to the public streets, public utility easements for both on-site and off-site utilities shall be provided by subdividers as follows:
 1. Where alleys are provided: four (4) feet for aerial overhang on each side of

alley shall be provided by dedication but need not be delineated on the plat (if utility lines are overhead).

2. Along side lot lines: seven and one-half (7 1/2) feet on each side of lot lines for distribution facilities and one (1) foot on each side of lot lines for street lighting, as may be designated.
 3. Guy and anchor easements: one (1) foot wide on each side of lot line, and approximately thirty-five (35) feet in length measured from the rear lot line as designated (if utility lines are overhead).
 4. Connecting subdivisions to utility systems: minimum thirty foot (30') wide easements for off-site trunk lines and mainlines to connect subdivisions to utility systems and thereby extend such systems.
- B. For lots facing on curvilinear streets, utility easements or alleys may consist of a series of straight lines with points of deflection not less than one hundred twenty (120) feet apart. Points of deflection should always occur at the junction of side and rear lot lines on the side of the exterior angle.
- C. Where a stream or important surface drainage course abuts or crosses a tract, dedication of a public drainage easement of a width sufficient to permit widening, deepening, relocating or protecting and maintaining said water course shall be required.
- D. Land within a public street or drainage easement or land within a utility easement for major power transmission (tower) lines or pipelines shall not be considered a part of the minimum required lot area except where lots exceed one-half (1/2) acre in area. This shall not apply to land involved in utility easements for distribution or service purposes.
- E. Except where alleys are provided, lots arranged to back up to major streets, railroads, canals or commercial or industrial districts, as required in this Chapter, shall have a minimum depth of one hundred ten (110) feet. The rear ten (10) feet of such lots shall be recorded as a vehicular non-access and landscape easement.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-03-070; Ord. No. 390, Amended, 07/11/96)

14-03-080 Street Naming and Addressing.

- A. After approval of a Preliminary Plat (and before submittal of a Final Plat), the subdivider shall submit to the Building Department for review and approval a street naming and address numbering proposal which includes:
1. A map illustrating street layouts, the name proposed for each street, and the proposed address number for each adjacent lot, parcel and/or building; and
 2. An alphabetical list of the proposed street names, together with an alternate

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name for each proposed name (and an English translation of any foreign language names).

- B. The department shall then determine compliance with the street name and addressing standards set forth in Sections 1-11-040 and 1-11-080 (as amended from time to time), shall amend or modify the proposal as needed to comply with said standards, then shall return the same to the subdivider for incorporation in the Final Plat.
- C. Any appeal of the determination of the Building Department as to compliance with the applicable standards, or any request for variation from said standards, shall be considered by the Town Council as part of the Council's Final Plat consideration.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 49, Enacted, 01/22/81; Ord. No. 54, Amended, 06/25/81; Ord. No. 178, Renumbered, 05/26/88, 17-03-080; Ord. No. 350, Amended, 02/09/95; Ord. No. 350, Rep&ReEn, 02/09/95)

14-03-090 Hillside Development.

Because of the unique and peculiar problems inherent in the development of hillside areas, special standards and conditions for hillside development areas must be considered. The provisions of this Section shall be applicable to the division of all land in a hillside development area regardless of parcel size.

A. Subdivisions:

1. Special Preliminary Plat Requirements.

- a. A topographic map of existing terrain, with contour intervals adequate to show the nature and variations in the terrain: two (2) foot intervals for grades less than fifteen percent (15%), and five (5) foot intervals for grades greater than fifteen percent (15%). The map shall also include elevations of critical spots, rock outcrops, and special characteristics.
- b. Where necessary to determine that lots will be usable, the department may recommend and the Commission may require a plan for each lot, in conformance with grading and drainage regulations required by the Town, showing the natural topography of the total parcel to be platted, the location and size of all structures, the finished grade at all improvement locations, and the depth and extent of all cuts and fills.
- c. A report of a proper soil investigation by a licensed geologist or engineer to determine any geological hazard and soil bearing quality.
- d. The location of existing and proposed conservation easements.

2. Special Final Plat Requirements.

- a. A final grading plan which conforms to the requirements of the grading and drainage regulations in this Chapter and as otherwise required by the Town.

- b. A detailed topographic map at larger scale and closer contour intervals, or suitable cross sections or profiles of areas where streets, driveways, buildings, and utility or grading construction are proposed.
 - c. Road profiles and cross sections at all significant changes in the cross slopes (the cross section to show proposed and natural grades at the centerline of the road, edge of roadway, the right-of-way line, and the proposed building setback lines).
 - d. Locations of all building sites and proposed driveways.
3. Special Design Standards:
- a. Street and private access way grades shall conform as closely as possible to natural topography [but shall not exceed fifteen percent (15%)].
 - b. Street grades exceeding twelve percent (12%) shall have a maximum length of six hundred (600) feet.
 - c. Upon approval of the Town Engineer, horizontal alignments may provide curves with less than one hundred (100) foot centerline radius.
 - d. Upon the recommendation of the Town Engineer and approval of the Commission, alternate methods for turning and backing areas may be substituted for turnarounds.
 - e. Upon approval of the Town Engineer, required paving width of the traffic lanes may be modified when off-street parking bays are provided, developed, and paved in the public right-of-way.
 - f. The centerline of the paving may be offset from the centerline of the right-of-way to provide parking bays in the right-of-way.
 - g. Where bridle trails are approved, sidewalks may be placed by the trails on the upgrade side of the right-of-way.
 - h. Vertical curbs shall be required on the downhill side of streets having grades of six percent (6%) or greater. Concrete "U" or "V" gutters may be installed in lieu of conventional rolled or vertical curbs elsewhere.
 - i. On a corner lot, no grading shall be allowed which results in the ground level being raised so as to obstruct the vision more than a height of three (3) feet above the grade of either street within an area formed by the lot lines on the street sides of such lot and a line joining points on such lot lines located a distance of thirty-three (33) feet from the point of their intersection.
 - j. Transverse street cross sections, with the gutter on the uphill side, may be used where approved by the Town Engineer.

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- k. All cut and fill slopes shall be within the roadway right-of-way or roadway easement. Slope maintenance easements for roadway cuts and fills may be required by the Town Engineer.
 - l. All excavated material shall be removed from lots and roadways or contained behind retaining walls, or otherwise placed so that the slopes of any fill material will not be visible from any public street.
 - m. "Panhandle", double-frontage, and other unorthodox lots [including lots which have a width to depth ratio greater than one (1) to three (3)], shall be permitted if it can be adequately demonstrated that their design will eliminate excessive cuts and will not adversely affect any other lot so arranged.
 - n. Private access ways may be permitted to provide access to lots in lieu of the required street frontage, with a minimum paved surface of twelve (12) feet in width. Each private access way serving more than one lot shall have a minimum paved surface of twenty-four (24) feet in width, or as may be otherwise required by Town standards and specifications. Where needed, additional easements for drainage or utilities shall be provided.
 - o. Maximum driveway grades shall be twenty percent (20%).
 - p. Building sites shall be free of geological hazards.
4. Grading Standards for Lots, Parcels and P.A.D. Sites:
- a. Not more than five percent (5%) of a lot, parcel, or P.A.D. site shall be left with a cross slope steeper than natural grade of the ground or steeper than twenty percent (20%), whichever is greater.
 - b. All driveway and garage cuts shall be made at the time of street grading and before street improvements are installed.
 - c. The total area of all cuts and fills, other than the enclosed floor area of the dwelling, shall not exceed ten percent (10%) of the lot, parcel, or P.A.D. site area.
 - d. Cut or fill slopes shall be entirely contained within the downhill lot.
 - e. All excavated material shall be removed from the premises, contained behind retaining walls, or otherwise placed so that the slopes of any fill material will not be visible from any public street.
5. Utilities: All utilities shall be installed underground in the streets or private access ways. Water and sewage disposal shall be provided to each lot as required by Section 7-03-110 of this Code and other related provisions.

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(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-03-090; Ord. No. 268, Amended, 12/12/91; Ord. No. 375, Amended, 12/28/95)

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Article 14-04 *STREET AND UTILITY IMPROVEMENT REQUIREMENTS*

- 14-04-010 General.
- 14-04-015 Subdivider Responsibility.
- 14-04-020 Engineering Plans.
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- 14-04-070 Public Improvement Reimbursement Agreements.
- 14-04-080 Assurances by Subdivider.

14-04-010 General.

It is the purpose of this Article to establish the minimum acceptable standards for the street and utility improvements required for subdivisions in the Town, to define the responsibility of the subdivider in the planning, constructing, and financing of such improvements, and to establish procedures for review and approval of engineering plans for such improvements.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-04-010; Ord. No. 390, Amended, 07/11/96)

14-04-015 Subdivider Responsibility.

- A. The financing, constructing and/or acquiring of all on-site and off-site street and utility improvements required as a condition of plat approval in this Article are the responsibility of the subdivider. Such responsibility includes, but is not limited to, acquiring the necessary public rights-of-way, easements, and licenses in which such improvements will be constructed or located, and thereafter dedicating, conveying, assigning, or otherwise transferring such rights-of-way, easements, and licenses to the Town of Prescott Valley at the time of plat approval.
- B. Ownership of all on-site and off-site street and utility improvements constructed and/or acquired as a condition of plat approval shall pass to the owner(s) of or other party(ies) responsible for the street system or the utility systems being extended thereby, upon written acceptance of the same for maintenance purposes by such owner(s) or other responsible party(ies), unless otherwise provided for on the subdivision plat or by express agreement between the subdivider and such owner(s) or other party(ies).
- C. With regard to on-site and off-site street and utility improvements accepted for maintenance by the Town of Prescott Valley, subdividers shall warrant all workmanship and materials involved in such improvements for a period of one (1) calendar year from the date of written acceptance. Warranties with regard to improvements accepted by owners or parties other than the Town may be provided for by separate agreement between subdividers and those owners or parties.

(Ord. No. 390, Enacted, 07/11/96)

14-04-020 Engineering Plans.

- A. It shall be the responsibility of the subdivider to have a registered engineer prepare a complete set of engineering plans for construction of all required improvements. Such plans shall be based on the approved Preliminary Plat and shall be prepared in conjunction with the Final Plat and in accordance with all applicable Town, County, or State standards.
- B. Final construction plans for all improvements shall be approved and signed by the Town Engineer prior to the recording of the Final Plat.
- C. Fees for the engineering plan review of final construction plans, listed in the engineering fee schedule provided for in Section 16-01-030 of this Code, shall be paid by the subdivider upon submittal of plans.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-04-020; Ord. No. 263, Amended, 07/25/91)

14-04-030 Construction and Inspection.

- A. All relocation, tiling, and construction of irrigation facilities shall be completed to the standards of the owning utility and the Town Engineer.
- B. In accordance with Section 7-10-030 of the Town Code, all construction in public rights-of-way and private access ways shall require a Town permit. Construction shall not begin until a permit has been issued for such construction and, if work has been discontinued for any reason, it shall not be resumed until after notifying the department having jurisdiction.
- C. All improvements in the public right-of-way shall be constructed with the inspection and approval of the Town department having jurisdiction. The locations of all utilities to be installed in public right-of-way or in private access ways shall be approved by the Town Engineer.
- D. All underground utilities to be installed in streets, private access ways, and alleys shall be constructed under Town permit prior to the surfacing of such street, private access way, or alley. Service stubs to platted lots within the subdivision for underground utilities shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made.
- E. Required on-site improvements shall be extended to the boundaries of the plat so as to provide service connections to abutting unsubdivided land.
- F. Fees for the inspection of all construction activities shall be estimated by the Town Engineer in accordance with the engineering fee schedule provided for in Section 16-

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01-030 of this Code. These estimated fees shall be paid by the developer prior to receipt of approval for construction based on the engineering plan review. Inspection fees for additional construction approved after the initial submittal shall also be estimated by the Town Engineer and paid by the developer prior to the issuance of any approval for construction.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-04-030; Ord. No. 263, Amended, 07/25/91; Ord. No. 390, Amended, 07/11/96)

14-04-040 Required Improvements.

- A. Streets, Private Access Ways and Alleys: All streets, private access ways and alleys within the boundary lines of the subdivision shall be improved to cross-sections, grades and standards approved by the Town Engineer. Alleys used for primary vehicular access shall be paved. Where there are existing streets adjacent to the subdivision, subdivision streets shall be improved to the intercepting paving line of such existing streets or to a matching line determined by the Town Engineer. Transition paving shall be installed as required by the Town Engineer. When a subdivision includes a major street which is not paved, or where there is no paved street between the subdivision and a paved major or collector street, an interim two (2) lane street at least twenty-four (24) feet wide shall be constructed to a standard approved by the Town Engineer on the major street, collector, or local street right-of-way to the nearest paved major or collector street. When a marginal access road is required, strip paving shall be installed for the major street traffic lanes. Dead-end streets extending two hundred (200) feet or more and dead-end marginal access roads shall be provided a graded and surfaced temporary forty (40) foot radius turning circle. Alleys shall be graded and surfaced to paved streets.
- B. Curbs: Where streets are to be paved, a concrete curb, curb and gutter, or valley gutter (as designated by the Town Engineer) shall be installed in accordance with approved Town standards. When density of development is low or where, for other reasons (such as to provide or maintain a rural atmosphere) the installation of curb and gutter is not considered necessary, the Council may waive this requirement for one or both sides of local streets. Vertical curbs shall be installed on the major street side of a marginal access road, along collector streets, and along school or park property.
- C. Sidewalks: Concrete sidewalks shall normally be required on both sides of streets and shall be constructed to a width, line, and grade approved by the Town Engineer in accordance with approved Town standards. Where density of development is low (or where, for other reasons, the installation of sidewalks is not considered necessary), the Council may waive this requirement for one or both sides of local streets.
- D. Crosswalks: Concrete walks through blocks shall be constructed to a width, line, and grade approved by the Town Engineer.
- E. Street Name Signs and Addresses: Street name signs conforming to the standards set forth in Section 1-11-050 of this Code (as amended from time to time) shall be installed by the subdivider at all street intersections and at such other locations as

may be determined to be necessary by the Town Engineer or his/her designee. Such signs must be in place (along with other traffic control signs to be installed by the subdivider) by the time the street pavement is ready for use. Where applicable, address numbers shall also be installed by the subdivider, prior to occupancy, in compliance with the standards set forth in Section 1-11-090 of this Code (as amended from time to time).

- F. Storm Drainage: Proper and adequate provision shall be made for disposal of storm waters. This shall apply equally to grading of private properties, public streets, and private access ways. Existing major water courses shall be maintained and dedicated as drainage ways. The type, extent, location, and capacity of drainage facilities for a subdivision shall be as required by the Town Engineer from the survey and storm runoff calculations made by the subdivider's engineer. All detention basins, channels, and like facilities shall be constructed in accordance with the requirements of the Town Engineer. On-site detention shall be required to hold runoff to historic peak levels for the full range of storm events from the 2-year through the 100-year event. It is necessary to demonstrate that runoff peaks are maintained at "undeveloped" levels for the 2-year, 10-year, 25-year and 100-year storm events.

Polices, design procedures and safety consideration shall be as described in the Yavapai County Drainage Criteria Manual, 1998, Chapter 5, "Storm Water Storage (Detention/Retention)."

- G. Sanitary Sewage Disposal: Sewage disposal facilities shall be installed to serve each lot.
1. If compatible with the public sewer system, as determined by the Town, public sanitary sewer lines shall be installed in all new subdivisions in accordance with plans, profiles and specifications approved by appropriate Town departments, and connected to the public sewer.
 2. In areas where a public sanitary sewer is not reasonably accessible, the owning agency (with the approval of the appropriate State, County and Town departments) may provide for septic systems or other appropriate private sewage disposal systems. In such event, the subdivider shall construct sewer lines and any temporary facilities in the subdivision in accordance with plans, profiles, and specifications approved by appropriate Town departments, and designed for connection with a future public sewer system.
- H. Water Supply: Each lot shall be supplied with safe, pure and potable water in sufficient volume and pressure for domestic use and fire protection.
1. If compatible with the public water system (as determined by the Town), wells, water pumps, water tanks, water mains, water lines, fire hydrants, and any installations required by the Uniform Fire Code (as adopted from time to time by any agency having jurisdiction within the Town), shall be installed in all new subdivisions in accordance with plans, profiles and specifications approved by appropriate Town departments, and connected to the public water system.
 2. In areas where a public water system is not reasonably accessible, the

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subdivider (with the approval of the appropriate State, County and Town departments) may provide for development of or connection to a private water system. In such event, the subdivider shall construct the wells, water pumps, water tanks, water mains, water lines, fire hydrants, and other installations required by the Uniform Fire Code, in accordance with plans, profiles, and specifications approved by appropriate Town departments, and designed for connection with a future public water system. Nothing herein precludes modification of these requirements by one or more development agreements between the subdivider and the Town.

- I. Irrigation Facilities: All irrigation facilities requiring seventy-two (72) inch diameter pipe or less which are to remain within the boundaries of the tract or in an abutting one-half (1/2) street or alley right-of-way, shall be tiled in accordance with standards of the owning agency relocated as may be directed by the Town Engineer and the owning agency. Where street improvements require relocation of control gates or other structures, such relocation and reconstruction shall conform to the requirements of the Town Engineer and the owning agency. In rural developments, this requirement may be waived by the Town Engineer.
- J. Monuments: Permanent monuments shall be installed in accordance with current Town standards at all corners, angle points, and points of curve, at all street intersections, and at all corners, angle points, and points of curve of all conservation easements. After all improvements have been installed, a registered land surveyor or engineer shall check the location of the monuments and certify their accuracy.
- K. Lot Corners: Iron pipes shall be set at all corners, angle points, and points of curve for each lot within the subdivision prior to the recording of the plat.
- L. Utilities:
 - 1. New electric, communication, and T.V. lines (including, but not limited to, electric, communication and T.V. lines), shall be installed underground. When overhead utility lines exist within the property being platted, said existing overhead utility lines and the new installations within the platted area shall be placed underground. When overhead utility lines exist on the periphery of the property being platted, said existing overhead utility lines (and any additions or replacements needed to increase capacity or improve service reliability) may remain overhead; provided, however, that any service drops into the platted area from said peripheral overhead lines shall be underground. When overhead utility lines exist on the periphery of the property of five (5) acres or less being platted, then the utility lines within the platted area may be overhead. When, as a result of the subdivision development, it is necessary to relocate, renew, or expand existing facilities within the platted area, the subdivider shall make the necessary arrangements with the serving utility for these installations to be placed underground. The subdivider shall arrange with the serving utility for, and be responsible for, the cost of underground service lines to approved street light locations.
 - 2. The subdivider shall be responsible for the requirements of this Section and shall make the necessary arrangements with each of the serving utility

companies involved for the installation of the underground facilities. Letters from each of the serving utility companies indicating that said arrangements have been made shall be submitted to the Town Engineer at the time the Final Subdivision Plat is submitted for approval. When due to subsurface soil conditions or other special conditions it is determined by the Town Engineer that it is impractical to construct facilities underground, installations shall be overhead. Those electric lines of greater than three thousand (3,000) IVA (Kilovolt Ampers) capacity (as rated by the American Standard Association) are excluded from the requirements of this Section.

- M. Street Lights: Street lights shall be provided in accordance with Article 13-26a of this Code. Furthermore, in subdivisions where all other utilities are installed underground, underground electrical service required for street lighting shall be installed to those street light locations approved by the Town Engineer.
- N. Walls on Landscape and Vehicular Non-access Easements: Continuous undulating or offset decorative masonry walls shall be installed on landscape and vehicular non-access easements along major streets when lots back up to a major street, in accordance with the design requirements and approval of the Town Engineer.
- O. Landscaping: All landscaping (along with appropriate watering systems) within public right-of-way or landscape easements shall be in accordance with plans approved by the Town Engineer.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-04-040; Ord. No. 268, Amended, 12/12/91; Ord. No. 276, Amended, 06/11/92; Ord. No. 350, Amended, 02/09/95; Ord. No. 386, Amended, 07/11/96; Ord. No. 521, Amended, 05/09/02; Ord. No. 563, Amended, 07/10/03)

14-04-050 Submittal, Review and Approval of Engineering Plans.

Prior to the recording of the plat, (A) a certificate of approval of engineering plans signed by the department having jurisdiction, (B) a certification that the agreement between the Town and subdivider has been executed and the letter of agreement with serving utilities has been submitted, and (C) the necessary performance and completion bond, cash, or agreement shall be filed with the Town Clerk. If the engineering plans have not been approved within ninety (90) days, the Council may require that the Final Plat be resubmitted.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-04-050; Ord. No. 375, Amended, 12/28/95)

14-04-060 Schedule of Improvement Requirements.

Specific standards of improvements to be installed in a subdivision shall depend on the location of the subdivision and type of development proposed therein, as outlined in the following schedule of improvement requirements.

- A. Urban Developments

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1. Description: Single-family residential development with lot widths less than one hundred twenty (120) feet, lot areas less than eighteen thousand (18,000) square feet, and a density of about four (4) dwelling units per acre; two (2) family and multifamily residential development regardless of site area or density; and commercial and industrial developments.
 2. Requirements:
 - a. Public sewer in accordance with this Chapter.
 - b. Public water supply in accordance with this Chapter, including main and fire hydrants to Town standards.
 - c. Storm drainage to an acceptable outlet in accordance with this Chapter.
 - d. All streets with approved pavement and concrete curbs, gutters, and sidewalks on both sides.
 - e. Alleys, if provided, completely paved with approved material to an approved width.
 - f. Utilities in accordance with this Chapter.
 - g. Underground street light circuits in accordance with this Chapter.
 - h. Private access ways shall have pavement with concrete curbs, gutters, and sidewalks in accordance with Town standards and specifications.
- B. Suburban Developments:
1. Description: Single-family residential development with minimum lot widths of more than one hundred twenty (120) feet but less than one hundred fifty (150) feet, and minimum lot areas of eighteen thousand (18,000) square feet [but less than thirty-five thousand (35,000) square feet].
 2. Requirements:
 - a. Public sewers in accordance with this Chapter.
 - b. Public water supply systems in accordance with this Chapter, including mains and fire hydrants to Town standards.
 - c. Storm drainage to an acceptable outlet in accordance with this Chapter.
 - d. All streets with approved pavement, concrete curbs, and gutters; and sidewalks required on both sides of major or collector streets.
 - e. Alleys, if provided, completely paved with approved material to an approved width.

- f. Utilities in accordance with this Chapter.
- g. Underground street light circuits in accordance with Town standards and specifications.

C. Estate Developments

- 1. Description: Single-family residential development with minimum lot areas of thirty-five thousand (35,000) square feet.
- 2. Requirements:
 - a. Public sewer in accordance with this Chapter.
 - b. Public water supply systems in accordance with this Chapter, including mains and fire hydrants to Town standards.
 - c. Storm drainage to an acceptable outlet in accordance with this Chapter.
 - d. All streets with approved pavement, concrete curbs, and gutters; and sidewalks required on both sides of major or collector streets.
 - e. Utilities in accordance with this Chapter.
 - f. Underground street light circuits in accordance with this Chapter.
 - g. Private access ways shall have approved pavement with concrete curbs, gutters, and sidewalks in accordance with Town standards and specifications.

D. Rural Developments:

- 1. Description: Single-family residential development with minimum lot widths of one hundred fifty (150) feet, minimum lot areas of thirty-five thousand (35,000) square feet, and being developed as a community of small farms.
- 2. Requirements:
 - a. Public sewers in accordance with this Chapter.
 - b. Public water supply systems in accordance with this Chapter, including mains and fire hydrants to Town standards.
 - c. Storm drainage handled in a manner acceptable to the Town Engineer to an acceptable outlet in accordance with this Chapter.
 - d. All streets with approved pavement; concrete curbs and gutters on both sides of major and collector streets; concrete or another type of hard surface sidewalks on one or both sides of major and collector streets.

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- e. Utilities in accordance with this Chapter.
- f. Underground street light circuits in accordance with this Chapter.
- g. Private access ways in accordance with requirements for public streets.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-04-060)

14-04-070 Public Improvement Reimbursement Agreements.

- A. Purpose. Inasmuch as it is often in the public interest to extend public capital improvements or infrastructure to undeveloped areas in the Town, or for one (1) development to size certain public capital improvements or infrastructure larger than would otherwise be necessary for the development itself (so as to better accommodate nearby development), the Town Manager (or his/her designee) is hereby authorized to specify that subdividers either extend certain improvements off-site to connect with existing improvements or "upsized" certain on- or off-site improvements (at subdividers' cost) so as to facilitate connection thereto by other developments.
- B. Agreements Optional. In the event the Town Manager (or his/her designee) specifies such extensions of off-site improvements or such upsizing of on- or off-site improvements, nothing herein shall preclude the Town from entering into agreements with subdividers to reimburse from buy-in fees charged to other developers over time some or all of the additional costs involved. However, it is expressly understood that nothing herein requires the Town to enter into such agreements where the requiring of such extensions or upsizing at subdividers' sole cost is justified by significant other benefits accruing to subdividers, or as a consequence of development agreements, or as consideration for zoning, development plan, or site plan approvals, or for other appropriate reasons.
- C. Form of Agreements. Any agreements to reimburse some or all costs of off-site improvement extensions or upsizing of on- or off-site improvements shall address the following:
 - 1. Whether or not the improvement must be competitively bid in accordance with ARS §34-201;
 - 2. When and according to what processes the improvement becomes the property of the Town;
 - 3. Whether and to what extent any improvement district assessments, in-lieu of assessment fees, connection charges, or development fees charged to subdividers will be offset by the extra costs of the improvement incurred by subdividers;
 - 4. Whether and to what extent subdividers shall be reserved a specific amount of capacity in the improvement;
 - 5. After accounting for any offsets for the extra costs to subdividers (and any

capacity in the improvement reserved to subdividers), what capacity in the improvement will remain available for use or connection by other developers (for which subdividers should be reimbursed). Note that engineering costs may be included as reimbursable costs.

6. The reasonable buy-in fee to charge other developers who use or connect to the improvement.
 7. How such buy-in fees shall be paid to the Town and repaid to subdividers after deduction of a reasonable administrative fee by the Town.
 8. That the total of such repayments shall not exceed the amount established in Subparagraph 14-04-070(C)(5) above, and may be less if sufficient buy-in fees are not collected during the term of the agreement.
 9. That the term of any such agreement shall not be longer than ten (10) years or when the amount set forth in Subparagraph 14-04-070(C)(5) above is reimbursed (whichever is earlier).
 10. That the Town has the option to reimburse subdividers with a credit against development fees, connection charges, improvement district assessments, or in-lieu of assessment fees imposed by the Town (in which case the Town shall reimburse the appropriate fund accounts with the applicable buy-in fees collected).
 11. How and under what circumstances the agreement may be assigned to successors-in-interest.
 12. That such agreements shall be recorded in the Office of the Yavapai County Recorder.
- D. General Requirements. All required extensions of off-site improvements or upsizing of on- or off-site improvements shall be constructed in accordance with specifications approved by the Town Engineer. Upon approval and acceptance of said extensions or upsized improvements by the Town Engineer, the same shall be dedicated by appropriate instrument to the Town and the Town shall exercise exclusive control over who may connect to or use the same and the procedures therefor.
- E. Offset. Buy-in fees paid by other developers as a result of such reimbursement agreements with subdividers may be offset, in whole or in part, against any development fees, connection charges, improvement district assessments, or in-lieu of assessment fees charged those other developers for such improvements.

(Ord. No. 357, Enacted, 03/23/95; Ord. No. 389, Amended, 07/11/96)

14-04-080 Assurances by Subdivider.

- A. Agreement by Subdivider.

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Upon approval by the Town of the Final Plat, the subdivider shall execute an agreement covering the following:

1. The subdivision improvements in a recorded development unit may be constructed in practical increments of lots, as specified by the subdivider, subject to provisions for satisfactory drainage, traffic movements, and other services as determined by the Town Engineer.
2. The improvements, except those utility facilities specified in this Chapter, shall be constructed in accordance with plans approved by the Town Engineer and the appropriate Town department for water and public sanitary sewer facilities, and by the Town Engineer for all other improvements. If location of the development so requires, water and sanitary sewer facilities shall also be constructed in accordance with plans approved by the appropriate State and County departments.
3. The improvements, except those utility facilities specified in this Chapter, shall be completed within an agreed specified time period for each increment. An extension of time may be granted under conditions specified therein.
4. The subdivider shall give adequate assurance of the construction of each increment in accordance with this Chapter.
5. Progress payments may be made to the subdivider on his order from any cash deposit made. Such progress payments shall be made in accordance with standards established by the Town Engineer.
6. Any work abandoned or not completed by the subdivider may be completed by the Town which shall recover the construction costs from the subdivider.
7. Construction of all improvements within streets and easements, except those utility facilities specified in this Chapter, shall be subject to inspection by the Town Engineer.
8. No lots shall be released from the approved increment of lots until either the agreement or an assurance of construction has been posted and accepted by the Town Engineer.
9. With regard to on-site and off-site street and utility improvements accepted for maintenance by the Town of Prescott Valley, the subdivider shall warrant all workmanship and materials involved in such improvements for a period of one (1) calendar year after the date of written acceptance.

B. Assurance of Construction.

1. To ensure construction of the required improvements as set forth above in this Section (except those utility facilities specified in this Chapter), the subdivider shall deposit with the Town Engineer an amount in cash or a surety bond equal to the amount of the cost of the work of each recorded increment (as determined by the Town Engineer) guaranteeing that the work will be

completed in accordance with Town details and specifications. When no marginal access road is being constructed and the improvement of a major or collector street by a governmental agency is imminent, the subdivider shall deposit the current estimated cost of improving the abutting half street in an account to be disbursed to the Town at the time the contract is awarded for the Town project to improve the full width of the street.

2. The surety bond shall be executed by the subdivider, as principal, with a corporation duly authorized to transact surety business in the State of Arizona, as surety. The bond shall be in favor of the Town, shall be continuous in form, and shall require that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, regardless of the number of years the bond is in force. The bond or cash shall be released upon satisfactory performance of the work and its acceptance by the Town Engineer. The bond may be canceled or the cash withdrawn by the subdivider, provided that other security satisfactory to the Town has been deposited which will cover the obligations of the subdivider which remain to be performed.
- C. Assurance of Construction Through Loan Commitment. In lieu of providing assurance of construction in the manner provided above in this Section, the subdivider may provide assurance of construction of required improvements (except those utility facilities specified in this Chapter) by delivering to the department, prior to the recording of said plat, an appropriate agreement between an approved lending institution and the subdivider stating that funds sufficient to cover the entire cost of installing the required improvements (including engineering and inspection costs, and the cost of replacement or repairs of any existing streets or improvements damaged by the subdivider in the course of development of the subdivision, in an amount approved by the Town Engineer) have been deposited with such approved lending institution to the subdivider. The agreement shall provide that the funds in the approved amount are specifically allocated and will be used by the subdivider, or on his behalf, only for the purpose of installing the subdivision improvements. The Town shall be the beneficiary of such agreement, or the subdivider's rights thereunder shall be assigned to the Town and the Town Engineer shall approve each disbursement for such funds. The agreement may also contain terms, conditions, and provisions normally included by such lending institutions in loan commitments for construction funds, or as may be necessary to comply with statutes and regulations applicable to such lending institutions.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-04-070; Ord. No. 268, Amended, 12/12/91; Ord. No. 357, Renumbered, 03/23/95, 14-04-070; Ord. No. 386, Amended, 07/11/96; Ord. No. 390, Amended, 07/11/96)

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Article 14-05 MODIFICATIONS

14-05-010 Modifications.

14-05-010 Modifications.

- A. Where, in the opinion of the Town Council, there exist extraordinary conditions of topography, land ownership, or adjacent development (or other circumstances not provided for in this Chapter), the Council may modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.

- B. In the case of a plan and program for a complete community or a complete neighborhood, the Council may modify these regulations in such manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated (and may require stipulations to assure conformance with the achievement of the plan).

- C. In modifying the standards or requirements of this Chapter, as outlined above, the Council may make such additional requirements as appear necessary, in its judgment, to secure substantially the objectives of the standards or requirements so modified.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-05; Ord. No. 375, Ren&Amd, 12/28/95, 14-05)