

**NOTICE OF A REGULAR MEETING  
OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE**

In accordance with Resolution #215 of the Town of Clarkdale, and Section 38-431.02, Arizona Revised Statutes,

**NOTICE IS HEREBY GIVEN that the Planning Commission of the Town of Clarkdale will hold a REGULAR Meeting Tuesday, March 20, 2012, at 6:00 p.m., in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.**

*All members of the public are invited to attend.*

The undersigned hereby certifies that a copy of this notice was duly posted on the Town Hall bulletin board, located at 890 Main Street, Clarkdale, Arizona on the 14th day of March, 2012 at 10:00 a.m.

Dated this 14th day of March, 2012 By:

*Vicki McReynolds*

Vicki McReynolds  
Administrative Assistant II

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION,  
UNLESS OTHERWISE NOTED.

**1. CALL TO ORDER:**

**2. ROLL CALL:**

**3. PUBLIC COMMENT:** - The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit his or her comments to **FIVE MINUTES**.

**4. MINUTES:** Consideration of the **Regular Meeting Minutes of January 17, 2012.**

**5. REPORTS:**

Chairperson and Members Special Events Report:  
Director's Report:

**NEW BUSINESS**

**6. WORKSESSION:** Discussion/possible action regarding proposed changes to Chapter 12 of the Town Code, Subdivision Regulations.

**7. FUTURE AGENDA ITEMS:**

**8. ADJOURNMENT:**

Reasonable accommodations may be requested by contacting Town Hall at (928)-634-9591, (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.



**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON TUESDAY, JANUARY 17, 2012, IN THE MEN'S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.**

A Regular Meeting of the Planning Commission of the Town of Clarkdale was held on Tuesday, January 17, 2011, at 6:00 p.m., in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, AZ.

**Planning Commission:**

Chairperson	Jack Van Wye	Present
Vice Chairperson	Vic Viarengo	Present
Commissioners	Jorge Olguin	Present
	Karen Daniels	Present
	Dave Puzas	Present

**Community Development Staff:**

Community Development Director	Jodie Filardo
Senior Planner	Beth Escobar
Special Projects Planner	Enalo Lockard

**Others In Attendance:** Robin Prud'homme-Bauer, Anita Simgen, Drake Meinke.

**1. AGENDA ITEM: CALL TO ORDER:** The Chairperson called the meeting to order at 6:00 p.m.

**2. AGENDA ITEM: ROLL CALL:** The Community Development Director called roll.

**3. AGENDA ITEM: PUBLIC COMMENT:** - The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit his or her comments to **FIVE MINUTES**.

Robin Prud'homme-Bauer asked the Commission to mark their calendar for the Centennial Fair planned at the Clarkdale-Jerome School on February 14 beginning at 1:30 p.m. At 2:14 p.m. there will be bell ringing for 100 seconds. Participants include local churches, Verde Valley Railroad, Salt River Pima Group and the Fire District.

**4. AGENDA ITEM: MINUTES:** Consideration of the **Regular Meeting Minutes of December 20, 2011**. The Chair entertained a motion to accept the minutes as amended. **Commissioner Olguin motioned to approve the Regular Meeting Minutes of December 20, 2011.** **Commissioner Daniels seconded the motion. The motion passed unanimously.**

**5. AGENDA ITEM: REPORTS:**

**Chairperson & Members Special Events Report:** None

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**Director's Report:**

**The Community Development Director provided the following update to the Commissioners:**

1. **Spirit of Joy Church Update.** Spirit of Joy Church received permission from Yavapai County to operate a vault and haul service for Wastewater management. In addition they are now connected to the Town's water supply via a temporary service line to Old Jerome Highway. This was the result of a solid team effort on the part of the Town, the Church and their various contractors. The Town staff is working with the Church on a temporary Certificate of Occupancy to be reviewed monthly until the PTM Wastewater project is accepted by the Town.
2. **Crossroads at Mingus Parks Update.** The Neighborhood meeting took place providing public input on the parks developing in the subdivision on Tracts F and K. Approximately 40 citizens, staff and development team members attended.

Those interested in providing public input to the park design process are welcome to participate in any one or all of the three upcoming opportunities to share thoughts and suggestions:

- The upcoming Parks & Recreation Commission meeting on January 18, 2012 at 5:30 p.m. in the Men's Lounge;
- The upcoming Town Council meeting on February 14, 2012 at 6 p.m. in the Men's Lounge; and/or
- A future Design Review Board meeting taking up the park site review topic – probably scheduled for April 2012 at the earliest.

Public input is a vital part of the process in making this park the best it can be in service to all the residents of Clarkdale.

3. **General Plan Update.** There will be three informational meetings on the 2012 General Plan Update on January 19, 2012 in the Men's Lounge at three different times: 8:00 – 9:30 a.m.; 11:30 a.m. – 1:00 p.m.; and 5:30 p.m. – 7:00 p.m. The public is invited to come learn about the intricacies of our Plan going before the voters for ratification in the March, 2012 election.
4. **Town Council Meeting Update.** At the Town Council meeting on January 10, 2012, the following items were considered:
  - Approval of a Request for Extension of the Financial Assurance Time Requirement for Wildhorse Acres Estates Minor Subdivision;
  - Work session on Development Impact Fees;
  - Work session on a possible Town Code update regarding adoption of an "Abatement of Rubbish and dilapidated Structures" Ordinance.
5. **Focused Future II Kickoff.** The Economic Development 201 class as the kickoff for the new economic development community-wide planning process will take place on February 22, 2012 from 11:00 a.m. until 1 p.m. This is the inaugural meeting for a year-long planning effort funded by APS to result in the adoption of a specific economic development plan by Town Council.

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**6. Political signs.** Procedures are under development in anticipation of the new ordinance related to a political sign-free zone in the municipal rights-of-way taking effect this January 19th. The new ordinance regulates the size of political signs posted in residentially-zoned locations to a maximum of 16 square feet and those located in other permitted location to a maximum of 32 square feet.

The Chair asked Director Filardo what the cost to the Town would be to enforcing this new ordinance. Director Filardo explained that costs have not been estimated, but the Town was obligated to respond to the new state statute regardless of cost.

**NEW BUSINESS**

**6. AGENDA ITEM: PUBLIC HEARING:** An Ordinance Amending the Town of Clarkdale Zoning Code to Add General Provisions Section 4-16 to Define Sidewalk Cafés and to Establish Design Criteria regarding such things as size/area, type of furniture/improvements, hours of operation, additional signage and indemnity issues for same and to Amend Sections 3-9 thru 3-13 to Allow Sidewalk Cafes in Commercial Zoning Districts.

**Staff Report:** By Enalo L. Lockard, Special Projects Planner.

**Project Description:** Amend the Zoning Code to address use of public right-of-way for private business use - sidewalk dining or also known as sidewalk cafés.

**Summary:** This matter was instituted by a request from a business owner in the Town center area. It was brought to the Commission for a work session during their regular meeting of November 15, 2011. At that meeting the Commission reviewed various options in consideration of sidewalk cafés. After much deliberation, the Commission directed staff to come back with some suggestions that were less intense than the Sedona ordinance, but more enforceable than the City of Cottonwood's policy. In response to the Commissions' direction, staff prepared a draft code amendment. At their regular meeting of December 20, 2011 the Commission reviewed the draft and had only a few questions and expressed concerns regarding fees. Staff was given the go ahead to move forward with the item and bring back a response to the fee issue.

**Finding of Fact:** The use of Town property for private use must be addressed in such a manner that is beneficial to the Town and its' citizens while still addressing liability issues. Staff also has concerns with permanent barrier installations regarding their penetrations into the sidewalk that may cause premature failure of the walking surface. This code amendment has been advertised as required by State Statute with a 1/8<sup>th</sup> page display ad in a newspaper of general circulation a minimum of 15 days prior to this meeting.

**Staff Analysis:** In light of the foregoing direction given by the Commission, staff offers the following proposed draft Zoning Code additions/amendments for the Commission's consideration and recommendation. The proposals are open for discussion and additional direction from the Commission.

**PROPOSED ADDITIONS AND AMENDMENTS**

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**Section 4-16 Sidewalk Cafés Permit**

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**A. Purpose and intent:** This section shall apply to the establishment, operation and maintenance of all sidewalk/outdoor café dining areas accessory and incidental to lawful restaurants/dining establishments within the Town's rights-of-way directly in front of and or adjacent to the specific business to which they pertain. The purpose of this section is to promote general economic development, protect the public health, safety and general welfare and the atmosphere of the Town for the benefit of all businesses and our citizens and visitors. No rights of individuals or individual businesses are created therein.

**B. Definitions:**

1. *Furniture* means tables, umbrellas, chairs, benches or other objects used for the purpose of seating or of supporting the dining business.
2. *Sidewalk café* means a dining experience created within a portion of the public right-of-way kept, used, maintained and held out to the public as a place for sidewalk dining, where food, beverages or other refreshments are served for consumption on the premises adjacent to a business licensed to operate as an eating and/or refreshment establishment.
3. *Removable barrier* or *barrier* means a physical separator that can easily be lifted and moved immediately without the assistance of tools.
4. *Sidewalk* means that area of public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines reserved for pedestrian traffic, not including street crossings.
5. *Operator* means the persons or businesses permitted to operate a specific sidewalk café.
6. *Applicant* means persons or businesses applying for a permit to operate a specific sidewalk café.

**C. Permit required and fees:** An annual permit issued by the Town to operate a sidewalk café is required and shall be issued only to a business that holds all current Federal, State and Local licenses required to operate said business wishing to establish a sidewalk café on the public or private property directly adjacent to the business to be used by the general public.

1. Permit application: The application shall contain the following information:
  - a. The name, home and business address, email address, and telephone number of the applicant/operator, and the name, email address, telephone number and address of the owner/operator of the business, if other than the applicant.
  - b. The name, home address, email address, and telephone number of a responsible person whom the Town may notify or contact at any time concerning the applicant's permit.
  - c. A copy of the current business license to operate a business establishment which is the subject of the application.

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- d. A statement of how the sidewalk dining area will be supervised and maintained.
  - e. Proof of current liability insurance, issued by an insurance company licensed to do business in the State of Arizona, protecting the licensee and the Town from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the sidewalk dining permit. Such insurance shall name the Town as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advanced written notice to the Town.
  - f. Two copies and an original sketch to scale of the proposed location showing the layout and dimensions of the proposed sidewalk café area.
  - g. Proof of any required permit from the Arizona Department of Liquor Licenses and Controls.
  - h. Photographs, drawings, or manufacturer's brochures fully describing the appearance of all proposed dining area furniture or other objects related to the operation of the sidewalk dining area by the applicant.
  - i. Non-refundable annual fee as shown in the Town of Clarkdale fee schedule. The applicant must pay necessary water and or sewer capacity fees for additional seats within the sidewalk dining area. In addition the applicant must pay monthly sewer fees as agreed in order for the permit to remain valid. Failure to pay sewer fees as agreed shall result in the immediate revocation of the permit.
2. Permit process. All sidewalk café applications shall be reviewed and approved by the Design Review Board (DRB) prior to commencement of operations of the sidewalk café. DRB application fees are one time unless the operator wishes to make significant changes i.e. to the approved layout such as increasing the number of tables or area of service or overall theme/design of the café. Appeals of the application decision by the Design Review Board may be made by the Applicant to the Town Council within 15 days of the meeting at which the decision is made.
- D. Furniture:** Use furniture and any other objects of such quality, design, materials, and workmanship that are approved or otherwise authorized by the Design Review Board, including but not limited to barriers, umbrellas, chairs, and tables made of fire retardant and/or pressure treated materials and that can be properly secured/weighted to withstand strong winds. Umbrellas, chairs or tables with advertising, signage or other writing on them are not allowed.
- E. Signage:** One temporary sign not exceeding six square feet in area, non-illuminated and displayed at a height not exceeding three feet, shall be permitted. The wording of such temporary sign shall be limited to the name of the business operating the sidewalk cafe and may state the items and prices of food offered for sale. The temporary sign shall not be placed

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on the adjacent building or on any structure and shall be displayed only while the sidewalk café is open and operating. The following types of signs and decorations are prohibited: Signs painted or lettered on banner-type material; moving, fluttering and flapping pennants, flags, balloons and similar decorations.

- F. Hours:** Sidewalk cafés may operate during the regular business hours of the restaurant operating the sidewalk café, but no later than 11:00 p.m. No orders for food and/or beverages shall be taken after 10:00 p.m. for service at the sidewalk café.
- G. Lighting:** Lighting shall be that from the existing business or street lamps. For safety reasons, no extension cords or free standing temporary lighting will be permitted. Battery operated lights attached to the umbrella poles so as to minimize impact on dark skies and adjacent properties will be permitted.
- H. Other restrictions:**
  - 1. No outdoor cooking of any type is permitted within the sidewalk café area.
  - 2. No amplified music is permitted within the sidewalk café area. Single acoustic instruments such as a guitar will be allowed so long as musicians have applicable Town licenses.
  - 3. Liquor Service. Each sidewalk café serving alcoholic beverages shall provide all services in compliance with relevant local, state, and federal laws, including but not limited to the compliance with State Liquor License requirements and the verification of the legal drinking age of all patrons. No alcoholic beverages shall be removed from the sidewalk café in which they were served. Food service shall be available at all times commensurate with alcohol service. The operator of the sidewalk café shall comply with all barriers as may be required with an extension of premises of the relevant liquor license.
  - 4. Health Codes Compliance. Each sidewalk café shall ensure compliance with all applicable County Health Codes and obtain any necessary extension/expansion permits required by the County.
  - 5. Trash removal. The operator of the sidewalk café shall ensure all trash is removed from the sidewalk café area at the close of operating hours daily.
  - 6. Sidewalk Café Location Restrictions. The café shall not block or restrict the sidewalk to less than applicable Americans with Disabilities Act (ADA) requirements or block the ingress/egress to any building. Also, no items shall be placed so as to block any doorway, driveway, crosswalk, or counter service window. Clearances should take into consideration nearest immovable object on the sidewalk.
  - 7. Smoking. The availability of smoking areas shall be in compliance with applicable Federal, State and Local laws.
  - 8. Any outdoor heating devices need Fire District and Building Official review and approval.

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**I. Indemnity & Liability:** As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Town of Clarkdale, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever. The Town shall not be liable to any permittee or any license holder for any damage, loss, inconvenience, business interruption, demolition, loss of business, loss of property or any other loss as a result of the town conducting regular maintenance of the right-of-way (and or utilities there under) and or public safety emergency vehicles responding to an emergency call that must encroach upon the public right-of-way of the Town of Clarkdale.

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***Other Sections of the Ordinance that will need to be amended to include the proposed Sidewalk Café amendment: Additions are shown in bold italics and items to be eliminated are shown with a strikeout.***

**Section 3-9 Central Business District (CB)**

A. Principal Uses Permitted: (Not requiring a use permit)

5. Restaurants, taverns ~~and~~ bars ***and sidewalk cafés in conformance with Section 4-16***

**Section 3-10 Town Center Commercial (TCC)**

A. Principal Uses Permitted

10. Restaurants ~~and~~ cafés ***and sidewalk cafés in conformance with Section 4-16*** which do not serve alcoholic beverages such as liquor, spirits, wine, or beer, which beverage contains greater than one- half of one (0.5%) percent of alcohol by volume.

**Section 3-11 Commercial (C)**

A. Principal Uses permitted: (Not requiring a use permit).

5. Restaurants, taverns ~~or~~ bars ***and sidewalk cafés in conformance with Section 4-16***

**Section 3-12 Neighborhood Commercial District (NC)**

A. Principal Permitted Uses

9. Restaurants ***and sidewalk cafés in conformance with Section 4-16*** without bars

**Section 3-13 Highway Commercial District (HC)**

B. Principal Permitted Uses

13. Restaurants ~~and~~ cafés ***and sidewalk cafés in conformance with Section 4-16*** which do not serve alcoholic beverages such as liquor, spirits, wine, or beer, which beverage contains greater than one- half of one (0.5%) percent of alcohol by volume

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**Information from other Agencies:** During the November 15<sup>th</sup> work session, staff provided the Commission with examples of sidewalk café ordinances and policies from the Cities of Sedona and Cottonwood. Preparing this report staff also went on the internet to generalcode.com which had some examples of sidewalk dining ordinances in Connecticut, New Jersey and New York. Some minor items were gleaned from these internet examples such as no cooking outside, some signage issues and

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addressing outside music & additional lights. Staff has also received verbal confirmation from the County Health Department that they do not do anything additional for sidewalk cafés other than their standard review of food preparation/handling as the use is deemed temporary and not seen as a permanent expansion of the business. If it were permanent, they would recalculate their requirements based on the number of seats etc.

**Enforcement issues:** Staff believes that the proposed ordinance should address most liability issues with the use of public right-of-way for private uses. Further, permits from the County Health Department and licenses from the State Liquor License Board should address accountability as to food handling and monitoring liquor dispensing. Based on conversations with the Public Safety Director, a barrier would be good (swing away or other to keep general public from walking through/between café's tables) for the Police Department to enforce liquor dispensing laws. The Director also noted that their enforcement would be on a complaint basis with emphasis on citations for alcoholic beverage infractions and warnings for smoking infractions. It was also noted that for the business to more easily stay in compliance with their liquor license, the operator (bartender) should have clear visibility of the café area, even though they may be within the business structure.

**Fee issues:** Staff has also included examples of fees from other jurisdictions in an attached addendum to this report based on questions from the Commission during their last meeting on this matter. Should this amendment be adopted, fees will be considered under a separate amendment to the Town's fee schedule. During the interim between adoption of this code amendment and the adoption of the new fee schedule, no fees will be assessed to any applicant wishing to establish a sidewalk café. They will however be assessed appropriate fees at time of renewal of their sidewalk café permit. This could be seen as an incentive to business owners to file for a permit now. It should be noted that the intent of the sidewalk café permit fees is to be assessed on a prorated annual calendar basis, the same as business licenses.

**Staff Recommendation:**

Staff is recommending that the Commission take any public comment, make any modifications they deem appropriate and then make a recommendation to the Town Council for final action.

**Suggested motion for approval,**

*Recommend approval to the Town Council an Ordinance Amending the Town of Clarkdale Zoning Code to Add General Provisions Section 4-16 to Define Sidewalk Cafés and to Establish Design Criteria and to Amend Sections 3-9 thru 3-13 to Allow Sidewalk Cafés in Commercial Zoning Districts as presented by staff (or with any modifications to be noted).*

***Addendum to Staff Report to the Planning Commission regarding Sidewalk Café Fees Jan. 2012***

For the Commissions' consideration, staff offers the following findings regarding fees associated with Sidewalk Cafés from other various jurisdictions and a scenario in creating a fee for the Town of Clarkdale.

**Sidewalk Café fees in other jurisdictions**

❖ New York, New York

The fee was based on location in the city and the number of seats utilized. Fees ranged from \$1,440.00 to \$3,052.00 annually

- ❖Roanoke Rapids, North Carolina  
\$100.00 a one-time of fee
- ❖Myrtle Beach, South Carolina  
\$500.00 annual fee Myrtle Beach also looking at business license fees based on revenue & eliminate café fees.
- ❖Seattle, WA  
One time initial fee of \$516.00  
Annual fee \$149.00 plus \$1.56 per square feet of sidewalk used
- ❖San Francisco, CA  
New 112.47 plus \$6.14 /sq. ft.  
Renewal 56.24 plus \$5.19/sq. ft.
- ❖Sedona, AZ.  
Annual right-of-way fee of \$100.00
- ❖Cottonwood, AZ  
One-time fee for fence permit of \$37.50

**Sidewalk Café Fee Scenario**

Initial Permit fee to establish Sidewalk Café	\$500.00
Annual Renewal Permit	\$150.00 plus \$1.50 per square feet

Example - proposed 30' by 8' (240 sq. ft.) café area  
Fee's Initial \$500.00 plus annual fee of (\$150 plus \$1.50 X 240) \$510.00 total start up \$1,010.00

So in the first year, this would be a monthly cost of \$84.16, with subsequent years being \$42.50. To build a new restaurant and or bar, current building costs are roughly \$109 per sq. ft. plus permit fees and overhead/maintenance etc. So for the noted proposal, a new structure could cost the operator \$27,000.00. With a 30 year mortgage at 5% that could be a \$457 a month payment or on a 15 year mortgage a \$526.00 a month payment.

So to allow an operator the opportunity to expand their business with comparative little overhead and little upfront investment, the noted fee arrangement appears as a potentially appropriate course to consider a balance of the benefit to the operator as well as reimburse the Town for usage of municipal facilities.

At this time, should the Commission recommend approval and the Council adopts the proposed code changes, there will be no fee associated with a sidewalk café permit until the Town fee schedule is amended. Any submittals made prior to the adoption of the fee schedule amendment will be required to pay appropriate fees at time of renewal of their sidewalk café permit.

**-Open Public Hearing: The Chairperson opened the public hearing.**

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**-Invite Public to Speak:**

**Anita Simgen, Clarkdale**

Ms. Simgen informed the Commission that she is running for Town Council. She is in support of this ordinance to change Clarkdale from a 'drive-through' town. This will be beneficial to the business owners and should bring more business to the Town. She encouraged the Commission to approve this ordinance since it would bring more business to the Town and more taxes will be paid.

**Drake Meinke, Clarkdale**

Mr. Meinke stated he was also in favor of this ordinance. He believes it will create a nice ambience in the downtown area and encourage people driving through town to stop and visit. Mr. Meinke had a concern about hours of operation since the residences that are close to the area will be impacted. Special Project Planner Lockard explained that the ordinance required the outdoor area to be closed by 11:00 p.m. and service to this area be stopped by 10:00 p.m.

Mr. Meinke also expressed concern about the look and maintenance of the outdoor café areas. Mr. Meinke noted that this seemed to be a problem in Cottonwood with the outdoor cafés on Main Street. Special Project Planner Lockard explained that the sidewalk café would need to receive approval from the Design Review Board and that the area would need to be constantly maintained. Chair Van Wye explained that the City of Cottonwood only has a policy regarding sidewalk cafés, where the Town's ordinance should be easier to enforce.

Robin Prud'homme-Bauer stated that she supports this ordinance and pointed out that it is the culmination of many years, 14-15 years, of work. That is why the sidewalks are wide, to encourage this type of activity and bring people downtown. She stated she had a question about the requirement for outdoor musicians to have a Town of Clarkdale business license. She said we don't require this for musicians who perform indoors. Director Filardo explained that Town Code required that any person conducting business in the Town have a license. Ms. Prud'homme-Bauer asked about the requirements when the Chamber of Commerce has an event that occurs on the sidewalk area. Director Filardo pointed out that the sidewalk café ordinance only addressed the extension of food and beverage service into the sidewalk area. Other events of a more temporary nature would be handled as a special events permit.

**-Close Public Hearing: The Chairperson closed the public hearing.**

**7. AGENDA ITEM: DISCUSSION & POSSIBLE ACTION:** An Ordinance Amending the Town of Clarkdale Zoning Code to Add General Provisions Section 4-16 to Define Sidewalk Cafés and to Establish Design Criteria regarding such things as size/area, type of furniture/improvements, hours of operation, additional signage and indemnity issues for same and to Amend Sections 3-9 thru 3-13 to Allow Sidewalk Cafés in Commercial Zoning Districts.

**-Discussion:**

Commissioner Daniels suggested treating a musician as an employee of the establishment and not requiring them having a separate business license.

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Special Project Planner Lockard suggested amending Section H.2 of the proposed ordinance to state:

*'... so long as musicians have a contractual arrangement with the property owner.'*

The Commission agreed to this amendment.

**Commissioner Olguin asked for clarification** regarding smoking violations within 20 feet of the entrance to a business. Director Filardo explained that due to the proximity of business entrances along the Main Street corridor, the 20-foot prohibition would overlap between businesses. Special Project Planner Lockard explained that the Town of Clarkdale Police Department would enforce the no smoking rules and that they would probably issue warnings initially.

The Commission asked whether a permit could be revoked. Director Filardo explained that staff will refer to the Town Code for any issues regarding revocation.

Chair Van Wye asked whether a business which receives a sidewalk café permit the first year, when fees are waived, will be exempt from paying fees the entire first year. Special Project Planner Lockard said yes.

**-Action: Commissioner Puzas motioned to recommend approval, as amended, to the Town Council, an Ordinance Amending the Town of Clarkdale Zoning Code to add General Provisions Section 4-16 to Define Sidewalk Cafés and to Establish Design Criteria and to Amend Sections 3-9 thru 3-13 to Allow Sidewalk Cafes in Commercial Zoning Districts as presented by staff. Vice Chairperson Viarengo seconded the motion. The motion passed unanimously.**

**8. AGENDA ITEM: WORKSESSION: Planning Commission Work Plan – 2011 - 2012.**

**-Staff Report: By Beth Escobar, Senior Planner.**

**Summary:** At the December 20, 2011 Planning Commission meeting the Commission requested the 2011/2012 Work Plan be placed on a future agenda item.

Attached is the Commission's 2011/2012 Work Plan. Staff recommends the Commission review each item and determine the project status.

Also attached for the Commission's review is a spreadsheet staff has developed for proposed changes to the Zoning and Town Code. Staff is requesting that the Commission add these items to the Work Plan for this year.

Proposed ordinance changes for consideration include:

- Changes in floor area ratio and lot coverage requirements
- Revisions to the Sign Code
- Adding agricultural uses to residentially zoned districts
- Creation of an overlay district chapter and adoption of additional overlay districts
- Amendments to the Subdivision Regulations which are part of the Town Code

- Adoption of a Tenant Occupancy Permit requirement for new commercial businesses. This is also an amendment to the Town Code.

**Staff Recommendation:** Staff would advise the Commission to discuss the various challenges to be addressed in 2012 and prioritize the projects on which the Commission would like to focus.

**Attachments:**

1. 2011/2012 Commission Work Plan
2. Proposed Changes to the Zoning Code and Town Code

**PLANNING COMMISSION 2011/2012 WORK PLAN**

**I. Sustainability –What it Means for Clarkdale**

- a. Working definition
- b. How do we implement
- c. How do we engage the public in the discussion

**II. Sustainable Clarkdale**

- a. Planning Commission needs to look at Sustainability from a Community concern and application
  - i. How to take what we learn at the CSP and apply it to the community as a whole
- b. How to engage the public in this discussion
  - i. What does the public want
  - ii. What are they willing to support

**III. Complete the General Plan Update Process [September Public Hearing]**

**IV. Review of the Smart Growth Scorecard – Town assessment [September review]**

**V. Cell tower/WiFi Ordinance [In progress]**

**VI. Form Based Codes/Zoning Code Update**

**VII. Central Business District Redevelopment**

**VIII. Patio Park Opportunities**

- a. River Access
- b. Residential redevelopment

**-Discussion:**

The Commission discussed the importance of measuring progress towards Smart Growth and achieving the goals of the General Plan. The Commission directed staff to come back to the Commission with an integrated timetable for working through the implementation plans of the General Plan.

**This being a worksession only, there were no actions taken.**

**9. AGENDA ITEM: FUTURE AGENDA ITEMS:**

There were no future agenda items discussed.

**10. AGENDA ITEM: ADJOURNMENT:** If there is no further business for the good of the order, the Chair will entertain a motion for adjournment.

**Commissioner Puzas motioned to adjourn the meeting. Commissioner Daniels seconded the motion. The motion passed unanimously. The meeting adjourned at 7:45 p.m.**

It has been moved and seconded that we adjourn. All in favor; all opposed. We stand adjourned. Thank you everyone for attending.

**APPROVED BY:**

**SUBMITTED BY:**

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**Jack Van Wye**  
Chairperson

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**Beth Escobar**  
Senior Planner





# Director's Report

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**Agenda Item:** Department Update  
Community Development Department

**Staff Contact:** Jodie Filardo

**Meeting Date:** March 20, 2012

**Report:**

1. 2012 General Plan Update

Thanks to the many volunteer hours from the General Plan Update Committee (Janet Regner, Chair; Lew Dodendorf, Vice Chair; Ida DeBlanc, Karen Daniels, Lisa O'Neill, Jack Van Wye, and Ruth Wicks) and focus group volunteers, plus the leadership of Sherry Bailey, former Community Development Director and the work of Town staff, we are pleased to announce voter ratification of the 2012 General Plan. This key document will guide the work of the Planning Commission and the Town for yours to come.

2. Mountain Gate

Staff has begun negotiations with BC Land Group, the owners of the majority of the Mountain Gate project. The most important and profitable item of concern is the amount due to the Town for the purchase of sewer capacity – roughly \$1.9 million. Thus far, the Town's position is that BC needs to pay cash up front to lock in a sewer capacity commitment; BC would like to lock in commitments on some sort of a pay-as-you-go process. These negotiations are in the beginning stage, and will most likely stretch over a period of months.

BC Land Group has shared with staff their plans to begin construction of new homes once the renegotiation of the Development Agreement is complete and approved by Town Council. They are working with the original designers of the Mountain Gate homes to use the same plans for the new homes.

3. Crossroads at Mingus

Jodie Filardo, Paul Grasso, and Beth Escobar met with PTM Enterprises to review proposed floor plans and elevations for Lots #211-240 in Crossroads at Mingus Subdivision. The developer hopes to begin pulling building permits for these units within the next few months. Models proposed range from 1100 to 1300 square feet. Elevations and architectural details will vary from lot to lot, and floor plans will be flipped from lot to lot. PTM also shared with staff that they are working with the owners of the approximately 20 acre commercially zoned property to the west to develop a comprehensive plan for the commercial development on this property and the neighborhood commercial property within the Crossroads at Mingus Subdivision. In



# Director's Report

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addition, Building Official Paul Grasso is in correspondence with the designer outlining the Town's requirements.

4. Jerome Subdivision

Gayle Mabery, Paul Grasso and Beth Escobar met with the Town Manager of Jerome, Candace Gallagher, regarding the approximately 30 acres of property Jerome owns within the Clarkdale Municipal boundary. The Jerome Cemetery is located on one of the two parcels in this area. The Town of Jerome went through a subdivision process in 2006 to create 10 residential lots on this property. Clarkdale and Jerome had entered into a development agreement that outlined requirements for Jerome to realign Minerich Road by acquiring a right-of-way agreement from the property owners to the south, the Radley subdivision, and improve Minerich to residential collector standard. This development agreement has since expired, and there are no current entitlements associated with this property.

5. At the request of American Rivers, the Mayor and Jodie Filardo traveled to Washington DC to attend the White House Conference on Conservation on Friday, March 2<sup>nd</sup>. This was an invite-only affair exploring best practices on river renewal and restoration, and was funded through the WFF grant for Sustainable Clarkdale. The staff at American Rivers had arranged for Doug and Jodie to meet with some key individuals who are interested in making the Verde River the pilot project for blue trails in Arizona.
6. Pursuant to the Town Council's adoption of the Rubbish Abatement Ordinance, official notification will be sent to the owners of 145 Western Drive requiring clean-up of the property within thirty days. The letter advised the property owners that if abatement is not done within thirty days, the Town will take action and record a lien against the property for the amount of the cost of the remediation.



# Staff Report

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**Agenda Item:** WORKSESSION  
Discussion/possible action regarding proposed changes to Chapter 12 of the Town Code, Subdivision Regulations

**Staff Contact:** Beth Escobar *me*

**Meeting Date:** March 20, 2012

**Background:**

Staff first began drafting changes to the Subdivision Regulations in 2011. The first draft of changes reflected a revision of the assurance process for Subdivisions in Section 12-3-6 D. These changes have previously been discussed by the Planning Commission.

Staff has continued to revise the regulation with the purpose of streamlining and updating the ordinance. Input was received from the Public Works Department on changes they would recommend and those recommendations have been incorporated into the revised document.

Staff is presenting this draft of proposed changes to the Planning Commission to receive input from the Commissioners before proceeding with finalizing any of the changes. Upon completion of the draft, the revised ordinance would then be sent to the Town Attorney for review, before proceeding to Town Council for review and action.

A summary of changes follows:

Section 12-1-2 - Corrected General Plan reference to correspond with 2012 General Plan

Section 12-1-3 - Added several bullets to emphasize sustainable development goals

Section 12-1-6 Subdivision Committee

Since this section applies to the Minor Subdivision section, it has been moved to Section 12-3-11 F

Section 12-1-10

Added item B to allow property owners to bring forward a reversion of acreage application Section 12-3-4 and subsequent sections-reduced the required number of paper copies for a plat submittal to 2 total, plus one digital copy. This provides one copy each for CDD and Public Works. Review copies can be distributed for review electronically. This type of distribution is acceptable to all of the reviewing agencies.

Section 12-3-4 D – added requirement for submittal of title paperwork with preliminary plat

Section 12-3-6 B 9 H – added verbiage to be included on plat regarding construction in drainage easements

Section 12-3-7 – Eliminated and consolidated with Stage IV, Final Plat. Assurance requirements have been modified to protect the Town.



# Staff Report

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Section 12-3-10 E - Form of presentation of Minor Subdivision Plat

Added reference to requirements listed under preliminary plat approval and deleted duplication of plat submission requirements

Section 12-3-11 - Technical Review and 12-3-12 Final Plat, Recording and Post Approval –

Added reference to requirements listed under preliminary plat approval and deleted duplication of technical review submission requirements

Section 12-5-2 -Reservation of Land for Public Use

Added verbiage regarding parks and recreational facilities

Section 12-5-9 F – added verbiage, per Public Works, for Utility Planning

Section 12-6-4 F 6 – added verbiage per Public Works

Additional minor formatting and grammatical corrections have also been done.

**Recommendation:** Provide direction to staff on how to proceed with these proposed changes.

**Attachments:**

1. Draft Ordinance

CHAPTER 12 SUBDIVISION REGULATIONS

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## CHAPTER 12 SUBDIVISION REGULATIONS

### Article 12-1 General Provisions

#### Section 12-1-1 Title

This ordinance shall be known as the “Subdivision Regulations of the Town of Clarkdale.”

#### Section 12-1-2 Town Development Policy

The Town of Clarkdale’s development policy is reflected in the Town’s General Plan, Goal 9-1 ‘GROWTH AREA’,” and are stated as follows:

#### **GOAL 9.1**

**Direct and sustain growth and expansion in areas of the Town that can support concentration of a variety of uses and are particularly suitable for multimodal transportation and infrastructure expansion and improvements.**

#### Section 12-1-3 Purpose and Intent

The purpose of these Regulations is to provide for the orderly growth and harmonious development of the Town of Clarkdale and

- to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities
- to promote development that incorporates multimodal transportation options
- protect significant natural areas and scenic assets
- to achieve individual property lots of reasonable utility and livability
- to secure adequate provisions for water supply, drainage, sanitary sewers, and other health requirements
- To encourage projects that incorporate efficient uses of natural resources
- to insure consideration for adequate sites for schools, recreation areas, and other public facilities
- to promote the conveyance of land by accurate legal description; and to provide the logical procedures for the achievement of this purpose.
- to minimize detrimental impacts to the environment by encouraging site designs that protects and enhances the natural features and environmental quality of a site.
- to encourage landscaping that limits water and energy use and preserves existing natural vegetation.
- to encourage the preservation of existing wildlife habitat

The provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

In its interpretation and application, the provisions of these Regulations are intended to provide a

## CHAPTER 12 SUBDIVISION REGULATIONS

common ground of understanding and an equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land.

The provisions of these Regulations shall be administered to ensure orderly growth and development, and shall supplement and facilitate the provisions in the General Plan, Zoning Code, Official Maps and the Capital Improvement Plan.

### Section 12-1-4 Severability

If any part or provision of these Regulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which judgment shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances.

### Section 12-1-5 Saving Provision

These Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision Regulations, or discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these Regulations, or vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Town, except as shall be expressly provided for in these Regulations.

### Section 12-1-6 Repealer

Upon the adoption of these Regulations according to law, any Subdivision Regulations adopted previously are hereby repealed in their entirety. Except that any and all subdivision plans, minor land divisions and improvement plans submitted to the Commission for evaluation prior to the adoption of these Regulations shall be evaluated under the guidelines of the then existing regulations.

### Section 12-1-7 Amendments

For the purpose of promoting the public health, safety and general welfare, the Council may from time to time amend the provisions imposed by these Subdivision Regulations in the manner prescribed by law.

### Section 12-1-8 Subdivision Amendments

No changes, erasures, modifications or revisions shall be made in the Final Plat after approval of the plat has been given by the Council.

## CHAPTER 12 SUBDIVISION REGULATIONS

### Section 12-1-9 Re-subdivision of Land

For any change in a map of an approved or recorded subdivision plat, if such change affects any name, street layout shown on such map, or area reserved thereon for public use, or any lot line, or any improvements, such change(s) shall be approved by the Council by the same procedures and regulations as for a new subdivision. The Council may waive these procedures for minor revisions of lot lines between two (2) neighboring lots in a platted subdivision when no other change of the Final Plat is involved and the two (2) new lots conform to all Town Codes.

### Section 12-1-10 Abandonment (Reversion to Acreage)

- A. If no lots in a subdivision, for which a final map has been approved and recorded, have been sold within thirteen (13) months from the date of recordation and if all of the improvements have not been made within thirteen (13) months of recordation, the Council may, on its own motion, hold a public hearing after notice, to determine whether the approval and recording of such final map should be revoked. Such revocation shall be in accordance with the Arizona Revised Statutes.
- B. If no lots in a subdivision for which a final plat has been approved and recorded have been sold, the property owner(s) of all lots within a subdivision may submit an application to the Director for Reversion to Acreage. This application shall include a survey and legal description presenting the property as reverted from the platted subdivision. Upon Town Council approval of the reversion and recording of the new property description the Public Works Director will determine if any posted assurances (see Section 12-3-6 ) may be released. An application fee of an amount established by the Town Council shall be paid at the time of filing. Any action considered by the Council relating to the revocation of all or part of a subdivision whether lots, or lots and right-of-ways, shall be referred to the Community Development Department for evaluation of the following:
  - 1. Correlation with General Plan of the Town.
  - 2. Correlation with proposed development in adjacent areas.
  - 3. Effect of such action on nearby existing development.
  - 4. Access to all remaining parcels.
- C. Any other actions applicable to the above process and permitted by State laws are permissible.
- D. Applications to abandon streets or easements shall be made pursuant to Arizona

## CHAPTER 12 SUBDIVISION REGULATIONS

Revised Statutes and shall be carried on separately and simultaneously with any procedure to abandon a subdivision or revert it to acreage.

- E. Upon submittal of an application to abandon a subdivision and cause same to revert to acreage, Staff shall distribute the request to the following for review and comment: Town Engineer, the County Assessor, County Treasurer, the County Health Department, and any utility that has facilities on the property proposed to be abandoned.
- F. Upon receipt of reviewing comment(s), if any, the Commission shall schedule the matter for public hearing before the Commission to formulate a recommendation to the Council.

### Section 12-1-11 Private Agreements

The provisions of these Regulations are not intended to abrogate any easement, covenants or other existing agreements which are more restrictive than the provisions of these Regulations.

### Section 12-1-12 Authority and Applicability

These Regulations shall be governed by the Arizona Revised Statutes, Title 9, governing the division and platting of land pursuant thereto.

All subdivisions or Minor Land Divisions within the Town shall comply with these Regulations.

### Section 12-1-13 Jurisdiction

These Regulations apply to all subdivisions and minor land divisions within the incorporated limits of the Town of Clarkdale.

### Section 12-1-14 Prohibition Against Circumvention of Regulations

No person, firm, corporation, or other legal entity shall hereafter sell or offer for sale any lot, piece, or parcel of land which is within a subdivision as defined in Article 12-2, of these Regulations without first having recorded a plat thereof in accordance with the provisions of these Regulations.

### Section 12-1-15 Violations and Penalties

Any person, firm, corporation, or other legal entity who violates any provision of these Regulations as hereby amended, shall be guilty of a Class 1 misdemeanor, and, upon conviction thereof, may be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein above

## CHAPTER 12 SUBDIVISION REGULATIONS

described.

### Section 12-1-16 Subdivision Committee

- A. The “Subdivision Committee” (as defined in Article 12-2-2) is hereby established and shall consist of the following members or their duly authorized representatives:
  - 1. Director
  - 2. Public Works Director
  - 3. A member of the Planning Commission.
  - 4. Town Engineer
- B. Representatives of other public agencies may be requested to participate on a cooperative basis at the request of the Director, but shall not be members.
- C. It shall be the duty of the “Subdivision Committee” to review all Minor Subdivision Plat applications.
- D. The “Subdivision Committee” shall meet as often as necessary, pursuant to the Arizona Attorney General Opinion I 75-007.

### Section 12-1-17 Adoption of Figures

All figures within these Regulations are hereby adopted and fully incorporated herein as a part of these Regulations.

### Section 12-1-18 Processing Fee Schedule

The submission of a Development Master Plan, Preliminary Plat, Technical Review of a plat, Final Plat, inspection of improvements, Revised Plat, Amended Plat, Minor Land Division or Application for Reversion to Acreage shall be accompanied by a filing fee according to the fee schedule as recommended by the Commission and approved by the Council.

In the event the Staff, the Commission or the Council find it necessary to use the professional services of any person, either in their regular employ or retained outside of their regular employ, in connection with their examination, approval, inspection or acceptance of any subdivision; said services shall be paid for by the subdivider. The Council may approve a fee schedule that incorporates standard professional costs and in such case a subdivider may only have to pay for excessive costs and the standard fee.

## CHAPTER 12 SUBDIVISION REGULATIONS

A late fee of one and one-half percent (1 ½ %) per month will be charged on all past due fees. The Final Plat will not be recorded until all fees are paid.

### Section 12-1-19 Hardship

The Commission may recommend and the Council may authorize variances from the terms of these Regulations, whereby reason of exceptional or extraordinary situation or condition of a tract of land causes the strict application of any regulation enacted herein that would result in peculiar and exceptional practical difficulties to, or undue hardship upon the subdivider. Such variance may be given, provided such relief may be granted without detriment to the public good and without impairing intent and purposes of these Regulations.

### Section 12-1-20 Waiver

The Commission may recommend waiver, and the Council may waive, any provision of these Regulations insofar as they affect a public use or purpose. No waiver may be granted unless the Council finds that it is in the best interest of the public, without impairing the intent and purpose of these Regulations. The extent and duration of the waiver shall be stated at the time of the waiver.

## Article 12-2 DEFINITIONS

### Section 12-2-1 Usage

For the purpose of these Regulations, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word “shall” is mandatory and not discretionary, and the word “may” is permissive; the word “person” includes individuals, partnerships, corporations, clubs or associations; the word “structure” includes the word building.

### Section 12-2-2 Words and Terms Defined

**Abandonment:** When the Council by proper action and public hearings abrogates all rights to any lots, streets, public ways, easements, or right-of-ways.

**Access, Legal:** Means by which pedestrians and vehicles have ingress and egress, to and from, a lot or parcel, by way of either a dedicated public street or an easement granting ingress/egress to any lot or parcel.

**ADEQ:** The Arizona Department of Environmental Quality.

**ADOT:** The Arizona Department of Transportation.

## CHAPTER 12 SUBDIVISION REGULATIONS

**ADT:** Average Daily Traffic. The average number of motor vehicles per day that pass over a given point.

**Air Rights:** A free interest in a three-dimensional air space in relation to a specified surface property.

**Alley:** A public right-of-way used to provide secondary vehicular access to properties that abut it.

**Arterial Route:** Provides for through traffic with limited access to abutting properties and includes major streets or highways having regional continuity.

**As-Built Plans:** Construction/engineering plans prepared after the completion of construction by the engineer of record and in such a manner as to accurately identify and depict the location of in place improvements.

**Assurance:** A guarantee that the specific improvements and services will be accomplished. This must be in the form of a financial guarantee including, but not limited to, a subdivision bond, an irrevocable letter of credit, a certificate of deposit or a certified check for construction of improvements. Utility service assurances may be provided by letter from water, electric, gas, communication and other appropriate utility companies to guarantee improvements.

**Bicycle Lane:** A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

**Block:** A piece or parcel of land or group of lots entirely surrounded by public right-of-way, streams, railroads or parks, or combination thereof.

**Certificate:** A formal written statement intended as an authentication of the fact(s) asserted and set forth, under seal of a notary or registered professional.

**Channel:** The bed and banks of a natural or man-made stream which convey the constant or intermittent flow of the stream.

**Circulation Plan:** That portion of the General Plan designating and describing the existing and future street system of the Town.

**Collector Street:** Provides for traffic movement between and within neighborhoods and between arterial and local streets and access to abutting property.

**Commission:** Town of Clarkdale Planning Commission is the advisory agency of the Council, has the full power and authority to investigate any and all matters pertaining to a proposed subdivision, to make findings of fact in relation thereto and as defined in **Section 17-1-4** of the Town Code of Clarkdale.

## CHAPTER 12 SUBDIVISION REGULATIONS

**Common Open Space:** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements. Common Open Space does not include right-of-ways.

**Conditional Approval:** An affirmative action by the Commission and/or Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

**Condominium:** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, commercial or industrial complex located on such real property. This condominium may include cluster housing or semi-detached housing. In addition, a condominium may include separate interest in other portions of such real property.

**Construction Plans:** Plans, profiles, cross-sections, and other required details for the construction of public improvements, prepared by an engineer, registered in the State of Arizona, in accordance with the approved Preliminary Plat and in compliance with standards of design and construction approved by the Council. Engineering plans.

**Corner Lot:** A lot abutting on two (2) or more intersecting streets. A corner lot shall be considered to be in that block in which the lot fronts.

**Council:** The Common Council of the Town of Clarkdale.

**County:** Yavapai County, Arizona.

**Cul-de-sac Street:** A short local street having one end permanently terminated in a vehicular turnaround.

**Dead-end Street:** A street with one (1) outlet but without a permanent provision for turning around, and which may be further extended into adjoining property.

**Dedication:** An offer of real property by its owner(s) to the Town of Clarkdale for any general or public use.

**Deed Restrictions and Protective Covenants:** A written contractual agreement between two (2) or more individuals or parties setting forth rules, regulations and expectations surrounding the use of subdivided or unsubdivided property.

**Density:** A ratio expressing the number of dwelling units per acre.

**Design Storm:** The rainfall event of specific frequency and duration which produces the design flow.

## CHAPTER 12 SUBDIVISION REGULATIONS

**Detention Basin:** A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

**Development:** The utilization of land for public or private purpose involving property improvement or the change of land use.

**Development Master Plan (DMP):** A master plan for a development of a large or complicated land area, the platting of which is expected in progressive stages.

**Director:** The Community Development Director or person designated by the Town Manager that is responsible for planning functions.

**Driveway:** A vehicle access, paved or unpaved, that allows vehicle access from a street to a structure or other facility.

**Easement:** A legal interest in land granted by the owner to another person or the general public, which allows that person, or the general public, the use of all or a portion of the owner's land, generally granted for a stated purpose including, but not limited to, access or utility placement.

**Engineer of Record:** A professional engineer registered in the State of Arizona and employed by the owner or developer to design and/or inspect improvements.

**Engineering Plans:** Plans, profiles, cross-sections, and other required details for the construction of public improvements, prepared by an engineer, registered in the State of Arizona, in accordance with the approved Preliminary Plat and in compliance with standards of design and construction approved by the Council. Construction plans.

**Exception:** Any parcel of land which is within the boundaries of the subdivision but which is not owned by the subdivider.

**Fill:** A deposit of soil, rock or other material placed by a person.

**Final Approval:** Approval of the Final Plat by the Council, as evidenced by certification on the plat by the Town Engineer and signed by the Mayor of the Town of Clarkdale attested by the Town Clerk which constitutes authorization to record a plat when improvement plans have been approved and an adequate assurance has been posted to guarantee the installation of the improvements.

**Final Plat:** A map of all or part of a subdivision providing substantial conformance to an approved Preliminary Plat, prepared by a registered professional engineer or a registered land surveyor in accordance with Section 12-3-6 and/or Section 12-3-13 of these Regulations, as applicable, which is presented for final approval.

## CHAPTER 12 SUBDIVISION REGULATIONS

**Flag Lot:** A lot with a developable area connected to a public road by a narrow strip of land wide enough for a driveway.

**Flood Plain, Delineated:** That area delineated and mapped as a flood plain, as approved by Council and as shown on the National Flood Insurance Program, flood insurance maps and flood way maps.

**Frontage:** That portion of a lot or parcel contiguous with a street or highway.

**General Plan:** The Clarkdale General Plan or parts thereof, providing for the future growth and improvement of the Town and for the general location and coordination of streets and highways, schools, parks, recreation sites, sewers, and other public facilities.

**Grading:** Any excavating, filling, or combination thereof that involves changing the natural drainage pattern.

**Half Width Street:** A half (1/2) width street constructed with one (1) edge coincident with a tract boundary which will be the future centerline of the street.

**Improvements:** Such street work, flood and drainage work, utilities, sewers, and other desirable facilities to be installed by the subdivider on the land for public or private streets, highways, bicycle ways, pedestrian ways, trails and easements for the general use.

**Interior Lot:** A lot having but one (1) side abutting on a street.

**Landlocked:** A lot or parcel of land with no platted public or private road frontage or no easement(s) for vehicle access and utilities.

**Land Split:** The division of improved or unimproved land, two and one-half (2 ½) acres or less in area that does not include a new street, into two (2) or three (3) parcels of land, for the purpose of sale or lease. A Minor Land Division.

**Land Surveyor:** A professional individual registered with the State of Arizona in the field of land surveying.

**Local Street:** Provides for direct access to residential, commercial, industrial, or other abutting land and for local traffic movements and connects to collector and/or arterial streets.

**Lot:** A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, for the purpose of sale, lease or separate use.

**Lot Width:** The width of a lot shall be:

## CHAPTER 12 SUBDIVISION REGULATIONS

- A. If the side property lines are parallel, the shortest distance between these parallel lines.
- B. If the side property lines are not parallel, the shortest distance between the side lot lines measured at the narrowest point between the required front or rear building setback line for the zoning district in which the lot is located.

**Minor Land Division:** The division of improved or unimproved land that does not include a new street, into two (2) or three (3) parcels of land, for the purpose of sale or lease. A land split.

**Minor Subdivisions:** Improved or unimproved land or lands which cannot be split in accordance with the Minor Land Division Process that is a part of the Town of Clarkdale Subdivision Regulations, that is divided for the purpose of financing, sale or lease, whether immediate or future into between four (4) and ten (10) lots, tracts or parcels of land, or the division of land that already has boundaries fixed by a recorded plat, which cannot be split in accordance with the Minor Land Division Process that is a part of the Town of Clarkdale Subdivision Regulations, and which is divided into between two (2) and ten (10) parts. Minor Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing between four (4) and ten (10) parcels, in which an unsubdivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon and which cannot be split in accordance with the Minor Land Division Process that is a part of the Town of Clarkdale Subdivision Regulations.

**Neighborhood Plan:** A sketch plan designed by the Town to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land, coordinate street patterns, and achieve the best possible land use relationships.

**Open Space:** Any parcel or area of land or water unimproved or improved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment of the public or the owners and occupants of land adjoining or neighboring such open space.

**Owner:** Any legal entity holding title by deed to the land, or holding title as vendees under land contract or holding any other title of record.

**Parcel:** Real property with a separate and distinct number or other designation shown on a plan recorded in the office of the County Recorder, or real property delineated on an approved record of survey, parcel map or subdivision map as filed in the office of the County Recorder and abutting at least one (1) public right-of-way or easement determined by the Director or the Commission to be adequate for the purpose of access.

**Park:** An area dedicated to recreation and/or cultural and artistic opportunities, active and/or passive, as defined by the Clarkdale Town Council on February 14, 2012 and is designed to serve the residents and visitors of a neighborhood or the Town.

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**Pedestrian/Bicycle Way:** A public walk and bicycle path dedicated entirely through a block from a street and or providing access to a school, park, recreation area or shopping center.

**Planned Area Development:** (PAD) An area of minimum size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one (1) or more structures to accommodate commercial, industrial, office or residential uses or combination thereof, and appurtenant common areas and other uses incidental to the predominant uses. See Zoning Code for complete definition.

**Plat:** A map or maps of a subdivision.

**Pre-Application Conference:** An initial meeting between subdividers and municipal representatives which affords subdividers the opportunity to present their proposals informally. (See Section 12-3-2 and/or Section 12-3-10 of these Regulations, as applicable.)

**Preliminary Approval:** Approval of the Preliminary Plat by the Commission and Council, as evidenced in their meeting minutes and noted upon prints of the plat, constitutes authorization to proceed with engineering plans and Final Plat preparation.

**Preliminary Plat:** A tentative map or maps, including supporting data, indicating a proposed subdivision development, prepared in accordance with Section 12-3-4 of these Regulations, presented for preliminary approval.

**Private Access Way:** A common driveway providing immediate access from a public right-of-way or private street to a residence or small group of residences, or divided interests in air rights exempt from management, maintenance and liability responsibilities on the part of the Town.

**Private Street:** A street or way owned and maintained by an individual or group of individuals providing the right to controlled access to one (1) or more lots, parcels, or divided interests in air rights exempt from management, maintenance and liability responsibilities on the part of the Town. The Town reserves the right to install, permit, maintain or permit to be installed and maintained, utilities in the right-of-way, including surface use for refuse collection and public safety services.

**Public Improvement Standards:** A set of regulations or standards, adopted by the Town, setting forth the details, specifications, instructions and procedures to be followed in planning, design and construction of certain public improvements in the Town.

**Public Open Space:** An open space area conveyed or otherwise dedicated to a government agency or other public body for recreational, cultural or conservation uses. Public Open Space does not include right-of-ways.

**Recorded Plat:** A Final Plat bearing all of the certificates of approval required of Section 12-3-6B of these Regulations, as applicable, and duly recorded in the Yavapai County Recorder's

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Office.

**Regulations:** The Town of Clarkdale Subdivision Regulations as contained herein.

**Re-subdivision:** The changing of design, subdivision name, lot lines, size of lots, or road alignment of any recorded or approved subdivision in the Town.

**Retaining Wall:** A wall or terraced combination of walls used solely to retain more than eighteen inches (18") of earth, but not to support or to provide footing for a structure.

**Right-of-Way:** (ROW) An area of land dedicated to the public and fee simple title conveyed to the Town for drainage, pedestrian, trail, bicycle, utility, street lighting, landscaping or roadway purposes.

**Sanitary Engineer:** A professional engineer registered in the State of Arizona to practice in the branch of sanitary engineering.

**Sketch Plan:** A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

**Statutory Dedication:** The dedication of land for general or public use to the Town as required by these Subdivision Regulations as a condition for acceptance of a subdivision plat for filing.

**Street:** Any street, avenue, boulevard, road, lane, parkway, place, viaduct, or other way which is an existing 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 the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, curbs, gutters, sidewalks, drainage apparatuses, or other improvements.

**Subdivider:** A subdivider shall be deemed to be the individual, firm, corporation, partnership association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of these Regulations and said subdivider need not be the owner of the land.

**Subdivision:** Improved or unimproved land or lands divided for the 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 the division of land that already has boundaries fixed by a recorded plat, which is divided into two or more 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.

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“Subdivision” does not include the following:

- A. The sale or exchange of parcels of land to or between adjoining property owners if the 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 or trailer park, nor to mineral, oil or gas leases.

**Subdivision Committee:** A committee established to review sketch plans at a pre-application conference, to provide guidance to the subdivider, and to perform other duties as the Council and Commission may require (see **Section 12-1-16**).

**Subdivision Design:** Street alignment, grades and widths, alignment and widths of easements and right-of-way for drainage, sanitary sewers and public utilities, streets, roads, pedestrian ways, the arrangement and orientation of lots and locations of buildings, if required, together with refuse collection and maintenance easements in condominium developments.

**Technical Review:** The detailed review by the Town Engineer to approve all details of the engineering plans and specifications for public improvements before recommending that the subdivider proceeds with Final Plat procedures.

**Through Lot:** A lot abutting two (2) streets that do not intersect while adjoining the lot.

**Town:** The Town of Clarkdale, Arizona.

**Utilities:** Installations or facilities, underground or overhead, furnished for the use of the public; electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, owned and operated by any person, firm corporation, municipal department, or board, duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards, as applicable herein.

**Utility Easement, Public:** An easement granted to a utility company or governmental agency to be used for the public placement of utilities.

**Vicinity Map:** A map, chart or diagram showing the geographical location of a proposed development in relationship to the surrounding region as indicated by various physical features.

**Zoning:** Restrictions on the use of land as regulated in the Town Zoning Code.

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### Article 12-3 SUBDIVISION PLATTING PROCEDURES AND REQUIREMENTS

#### Section 12-3-1 Outline of Subdivision Procedures

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

- A. Stage I Pre-Application Conference
- B. Stage II Preliminary Plat
- C. Stage III Technical Review
- D. Stage IV Final Plat, Recording and Post Approval

#### Section 12-3-2 Stage I - Pre-Application Conference

- A. The "Pre-Application Conference" stage of subdivision planning comprises an investigatory period which precedes actual preparation of preliminary plans by the subdivider. During this stage the subdivider makes known his intentions to the Town and is advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements.
- B. Actions by the subdivider: The subdivider shall meet informally with the Community Development Department to present a general outline of his/her proposal, including but not limited to:
  - 1. Four (4) copies of the sketch plans that includes: the name of the development, location by Section, Township and Range with reference to section corners and quarter corners, land use, street and lot arrangement tentative lot sizes, existing improvements, major washes and drainage ways, known flood hazards, generalized land use in the vicinity, documented historical or archeological resources and proposed bikeways, trails, open space, parks, and recreation facilities.
  - 2. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
  - 3. Information regarding legal problems which are associated with the property, if any.
- C. Actions by Community Development Department (CDD): The CDD will discuss

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the proposal with the subdivider and advise him/her of procedural steps, design and improvement standards, and general plat requirements. Then depending on the scope of the proposed development, the CDD will proceed with the following investigations:

1. Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.
  2. Determine the adequacy of existing or proposed schools, parks and other public places.
  3. Inspect the site or otherwise determine the relationship to major streets, utility systems, and adjacent land uses and to determine any unusual problems such as topography, utilities, flooding, etc.
  4. Determine the need for preparation and review of a Development Master Plan (DMP) prior to subsequent consideration of a Preliminary Plat.
  5. Advise the subdivider if a DMP may be required and estimate the time that it will take the Town to develop it. If the developer would like to prepare the DMP, in order to save time, the Town will advise in its preparation.
- D. Upon the conclusion of Stage I activities, the subdivider shall prepare a Memorandum of Understanding. It shall be formally acknowledged in writing by all parties. The Memorandum of Understanding shall include all items discussed.

### Section 12-3-3 Development Master Plan (DMP)

The Community Development Department may require the preparation and review of a Development Master Plan (DMP) prior to subsequent consideration of a Preliminary Plat, whenever the tract is sufficiently large enough to compromise an entire neighborhood, or the tract initially proposed for platting is only a portion of a larger land area, or the development of which is complicated by unusual topographic, utility, land use, land ownership, or other conditions. The entire land area need not, in this case, be under the subdividers control.

- A. **Preparation:** The DMP shall be prepared to a degree of scale and accuracy commensurate with its purpose, and shall include:
1. General street pattern with particular attention to collector streets and future circulation throughout the neighborhood and adjacent area.
  2. General location and size of school sites, parks, or other public areas.

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3. Location of shopping centers, multi-family residential or other proposed land uses.
  4. Methods proposed for sewage disposal, water supply and storm drainage.
- B. **Approval:** Upon acceptance of the general design approach by the Community Development Department, the DMP should be followed by the preparation of a Preliminary Plat. If development is to take place in several parts, each part requires separate approval process for Final Plat. the DMP should be submitted as supporting data for each part. The DMP shall be kept up to date by the subdivider and/or staffs as modifications take place.

### Section 12-3-4 Stage II - Preliminary Plat

The Preliminary Plat stage of a subdivision includes detailed subdivision planning, submittal, review and approval of the Preliminary Plat. To avoid delay in processing this application, the subdivider shall carefully provide the Town 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 of the zoning district within which it is located. However, in the event that rezoning is deemed necessary, such as in the case of a Planned Area Development (PAD), the rezoning shall be initiated by the property owner or his/her authorized agent, and be heard and considered by the Commission and Council (see the Town of Clarkdale Zoning Code, Chapter 13, Section 13-2, for procedures regarding zoning changes). Any change in zoning or site plan approval required in relation to approval of the Preliminary Plat shall have been approved by the Council before the recommendation of approval of the Preliminary Plat by the Commission.

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 the Director's recommendation on the matter.

- B. **SANITARY SEWAGE, REFUSE DISPOSAL AND WATER SUPPLY:** As a prerequisite to Preliminary Plat review, the subdivider shall have informed all pertinent regulatory agencies of his/her tentative plans and the subdivider shall become informed of the general requirements for sewage disposal, water supply and refuse disposal which may apply to his/her property.
- C. **OWNERS AUTHORIZATION:** If the applicant is not the legal owner of the property to be subdivided, said applicant shall, before filing the plat, obtain and

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submit notarized written consent to act in behalf of the legal owner(s) as the subdivider.

### D. PRELIMINARY PLAT SUBMISSION:

1. Two (2) twenty-four inch by thirty-six inch (24" x 36") copies of the Preliminary Plat and required supporting data, prepared in accordance with requirements set forth in **Section 12-3-4 E** of these Regulations, and one (1) digital copy of all materials shall be filed with the Director at least sixty (60) days prior to the Commission meeting at which the subdivider desires to be reviewed. 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 review shall be dependent upon adequacy of data presented and completion of processing, and shall occur within sixty (60) days of date of submission. .
2. Fee: A Preliminary Plat fee, as adopted by the Council, shall be paid by the applicant prior to the acceptance of the Preliminary Plat. The filing fee shall also cover filing of an amended or revised Preliminary Plat handled as the same case. If preliminary approval expires prior to application for final approval, the plat shall be resubmitted for preliminary approval as a new case and the subdivider shall pay the required fees.
3. The submittal shall be checked by the Director for content in accordance with requirements set forth in **Section 12-3-4 E** of these Regulations. If incomplete, the subdivider will be notified within five (5) days and given the opportunity to comply. Upon determination by the Director that the application is complete, a case number will be assigned and the applicant will be notified in writing of the acceptance, and place the case on the Planning Commission agenda for review and public hearing no sooner than fifteen (15) days or no later than forty-six (46) days after acceptance of the Preliminary Plat application. Notice of a public hearing shall be given not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing, by publication in a newspaper of general circulation, posting the subject property, and mailing notification to all persons whose names appear on the latest adopted county tax roll as owning property within three hundred feet (300') of the exterior boundaries of the subdivision that is the subject of the hearing.
4. Publication of notice for a public hearing as required in **Section 12-3-4 D.3.** shall be published in a newspaper of general circulation, in a "display ad" covering not less than one-eighth (1/8) of a page, and include a minimum of a four inch by four inch (4"x 4") copy of the Preliminary Plat and a statement that says "a copy of the staff recommendations regarding

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this proposed subdivision will be available on (date) for the public's review".

### E. FORM OF PRESENTATION FOR PRELIMINARY PLAT:

The information hereafter 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. The scale shall not be smaller than one inch equals one hundred feet (1" = 100').

All Preliminary Plat submittals shall include the following:

1. Letter of intent from the developer describing the subdivision and proposed name of subdivision and its location by Section, Township and Range, reference by dimension and bearing to an acceptable government section or quarter-section corner. The proposed subdivision name shall not duplicate any other recorded plat in Clarkdale or adjacent communities. The subdivision name should be carefully considered as it will become part of the public record once a Preliminary Plat has been submitted.
2. Name, address and telephone number of record owner of property, and of the applicant, if not the record owner.
3. A copy of the title paperwork for the property.
4. Name, title, address and telephone number of engineering, land planning, surveying, architectural firm, or individual preparing the plat.
5. Name, book and page number of any recorded subdivision adjacent to or having common boundaries with this plat.
6. Scale (written and bar graph), north point and date of preparation including dates of any subsequent revision.
7. Total subdivision acreage and dimensions. Do not include previously dedicated rights-of-way in this figure.
8. Fully dimensioned boundary lines.
9. A vicinity map which shows the relationship of the proposed subdivision to dedicated right-of-ways and any other facilities and developments which locate the subdivision. This map may be on the Preliminary Plat,

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but, if it is not practical, then a separate map showing title, scale, north point and date shall be provided.

10. Names, locations and widths of adjacent streets, highways, ways, railroads and utility easements including streets and rights-of-way providing legal dedicated right-of-way access to the property.
11. Location, names, areas, width, proposed grade curve, super elevations, sight distances, and radii for all streets, highways and ways in the proposed subdivision and off-site, if required, to provide adequate access to the subdivision. Include connections to adjoining platted tracts, public lands and streets contained therein.
12. The width and approximate locations of all existing or proposed public or private easements or rights-of-way for streets, ways, trails, drainage, sewers, public utilities, flood control purposes, access to adjacent public land, or other community facilities.
13. Typical lot dimensions (scaled); dimensions of all corner lots, all lots of more than four (4) sides and lots of curvilinear sections of streets; each lot numbered individually and consecutively; total number of lots or dwelling units.
14. Designations of all land to be dedicated or reserved for public use with use indicated, including land reserved for parks, recreational facilities, school sites, and fires stations pursuant to *A.R.S. 9.463.01.0*.
15. Area of all lots and parcels not for single family residential use, in acres. The area of all single-family residential lots in square feet if under one (1) acre in size, or in acres, if the lots are over one (1) acre in size.
16. A report by a sanitary engineer describing proposed wastewater disposal.
17. Locations, elevations, and sizes of culverts, storm drains and detention facilities. This information shall be accompanied by a hydro logic and hydraulic analysis, which meets the criteria set forth in the most recent Yavapai County Flood Control District Storm Water Detention Material and Drainage Criteria Manual.
18. The locations of floodway and floodplain boundaries and base flood elevations as determined on Federal Emergency Management Agency (FEMA) Flood Maps and the location of other water courses and land subject to inundation or flood hazard.

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19. Engineer's calculations and estimated values for each tributary of storm runoff for a twenty-five (25) year and one hundred (100) year frequency storms as specified in the Yavapai County Flood Control District Ordinance. The values shall be indicated along the boundary of the plat for all points of drainage entering and leaving the property.
20. Proposed cut and fill areas showing original and proposed grade levels with elevations and contours.
21. Proposed use of all lots, tracts or parcels within the subdivision.
22. Location and dimensions of all existing or proposed structures, walls, fences, irrigation ditches, water wells, pipelines, utilities, and other physical features. Plat shall indicate which improvements are to remain, be altered or removed.
23. Letters of serviceability for all utilities proposed to service the subdivision.
24. Contour interval shall be such as to adequately reflect the character and drainage of the land.
25. School or park sites that may be required.
26. The zoning of all adjacent land.
27. Any deed restrictions or covenants and property owners association agreements to be or are imposed upon the plat or any part thereof.
28. A Phase II County Flood Control Report.

### **F. PRELIMINARY PLAT REVIEW:**

1. The Director shall distribute copies of the plat to the following:
  - a. All Planning Commissioners.
  - b. The Town , Town Engineer, Police Chief, Public Works and Utilities Director, Fire District Chief and Building Official for the overall review and recommendations.
  - c. The Yavapai County Flood Control District for review of flood control and drainage measures.

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- d. The Yavapai County Environmental Services Department for review of sewage disposal proposal.
  - e. Representatives of local utilities for review.
  - f. Where the land abuts a State Highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.
2. The reviewers may transmit their recommendations to the Director in writing or verbally. The Director will then summarize the recommendations, prepare a report and present it to the Commission.
- G. RESPONSIBILITIES OF THE COMMISSION:** The Commission shall recommend for approval, conditional approval or denial of the Preliminary Plat as proposed after considering the recommendations and findings of the Director and all other appropriate agencies, and testimony of the applicant, interested individuals and the public present during at least one (1) public meeting.
1. Recommendation for approval by the Commission shall be based on the following findings:
    - a. That the proposed subdivision conforms to the adopted General Plan goals, objectives and policies of the Town.
    - b. That the proposed subdivision, as reviewed and approved, will not be detrimental to the public health, safety, and general welfare.
    - c. That environmental concerns conform with adopted standards.
    - d. That the design of the proposed subdivision is sensitive to the physical characteristics of the site.
    - e. That the proposed subdivision is consistent with provisions and intents of Zoning Code requirements applicable to the property.
    - f. That the proposed subdivision conforms with the improvement standards and design standards set forth in these Regulations and other applicable Town, County, State and Federal regulations.
  2. After recommending approval, the Commission will notify the Town Clerk to schedule a public hearing on the matter before the Council, no sooner than twenty-one (21) days nor later than forty-six (46) days after the date of the Commissions action.

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3. If the Preliminary Plat is generally acceptable but requires minor revision(s), the Commission shall recommend for conditional approval, the required revisions being noted in the meeting minutes. The Commission will forward a copy of the minutes with the copies of the Preliminary Plat to the Council.
  4. If the Commission finds that the Preliminary Plat requires major revision, the case shall be held over pending revision, re-submittal, processing and rescheduling for review.
- H. **APPEALS:** If the Commission finds that the Preliminary Plat does not meet the requirements of these Subdivision Regulations, the subdivider may appeal this decision to the Council.
1. All appeals shall be made in writing and filed with the Council with a copy also filed with the Commission, setting forth the particulars and the reasons for the appeal.
  2. Appeals must be made within thirty (30) days from the date of the findings of the Commission.
  3. The Council will hear such cases for appeal no later than thirty (30) days after appeal is taken.
  4. The Council shall decide appeals wherein it is alleged by the subdivider that there is error in any order, requirement, decision, grant or refusal made by the Commission or any official in the administration of these Regulations.
  5. The Council shall approve, disapprove or approve with modifications, upon appeal or recommendation of the Commission in specific cases, such variations as will not be contrary to the public interest, where according to special conditions a literal enforcement of these Regulations will result in unnecessary hardship, so that the spirit of these Regulations shall be observed and substantial justice done.
- I. **PUBLIC HEARING BEFORE THE COUNCIL AND NOTICE:** The Council shall hold at least one (1) public hearing on each Preliminary Plat. Said hearing shall commence within forty-six (46) days of the date that the Commission made a recommendation to the Council on the Preliminary Plat. Notice of a public hearing shall be given not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing, by publication in a newspaper of general circulation, posting the subject property, and mailing notification to all persons

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whose names appear on the latest adopted county tax roll as owning property within three hundred feet (300') of the exterior boundaries of the subdivision that is the subject of the hearing.

- J. **RESPONSIBILITIES OF THE COUNCIL:** The Council shall approve, conditionally approve or deny the Preliminary Plat as proposed after considering the recommendations and findings of the Commission, the Director and all other appropriate agencies, and testimony of the applicant, interested individuals and the public. Council action shall be based on its findings of fact and conclusion. The application, the Commission's recommendation, the subdivider's presentation, staff reports, public testimony and other information provided at the Council's public hearing may all be part of the Council's findings of fact and conclusion. If the Council is unable to make a determination because additional consideration is necessary, the Council may continue the Preliminary Plat to its next regularly scheduled public meeting or such other properly noticed public meeting as agreed between the Council and the applicant. At the discretion of the Council, the plat may be given preliminary approval by the Director when the Preliminary Plat has been satisfactorily revised in accordance with the stated conditions and reviewed by the Director. If the Council requires major changes including, but not limited to changes in street layout, lot size, access to the subdivision, easements or public improvements, then the Preliminary Plat will be returned to the Commission for recommendation at their next regularly scheduled meeting, prior to approval by the Council.
- K. **COUNCIL REJECTION:** If the Preliminary Plat is rejected, the new filing of a plat for the same tract, or any part thereof, shall follow the aforementioned procedure and be subject to the required fee.
- L. **SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL:** Preliminary approval constitutes authorization for the subdivider to proceed with preparation of the engineering plans and specifications for public improvements. Preliminary approval is based upon the following terms:
1. The basic considerations under which approval of the Preliminary Plat is granted will not be changed prior to the expiration date of Preliminary Plat approval.
  2. Approval is valid for a period of twelve (12) months from the date of Council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the original date of approval. Extensions of the Preliminary Plat approval may be granted by the Council upon receipt of a letter from the subdivider before the expiration date.

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3. Preliminary Plat approval, in itself does not assure final acceptance of streets for dedication or continuation of existing zoning requirements for the tract or its environs. It does not constitute authorization to record the plat.

### Section 12-3-5 Stage III – Subdivision Technical Review

The “Technical Review” stage is designed for the Town Engineer to approve all details of the engineering plans and specifications for public improvements before recommending that the subdivider proceed with Final Plat procedures.

- A. Submittal for Technical Review shall be made to the Town Engineer with one copy to the Director. The submittal shall be checked by the Town Engineer for content in accordance with requirements set forth in **Section 12-3-5 B** of these Regulations and for substantial conformity with the approved Preliminary Plat. Whether complete, incomplete or non-conforming with the approved Preliminary Plat the subdivider will be notified within fifteen (15) days and given the opportunity to comply.
- B. Submittal requirements: The following information is required for Technical Review submittal and shall be shown graphically, by note, or by letter, and may consist of several sheets showing various elements of the required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, adjusted to produce an overall drawing of twenty-four inch by thirty-six inch (24" x 36"). The applicant may use more than one (1) sheet if necessary, using one (1) of the standard engineering scales. The scale shall be not less than one inch equals one hundred feet (1" = 100') providing sufficient detail to illustrate the subdivider's intent.
  1. Two (2) /sets of the approved Preliminary Plat. Whenever a Development Master Plan (DMP) has been reviewed and approved by the Council, two (2) copies of the approved DMP shall be submitted. Planned Area Developments (PADs) shall submit two (2) copies of typical floor plans and elevations. A digital copy of all submitted materials is required.
  2. Identification and descriptive data:
    - a. All information required of the Preliminary Plat.
    - b. Building setbacks for a typical lot. Where there are lots with more than four (4) sides or whose shape may be considered atypical, show all setbacks.
    - c. Construction plans of all improvements required by these

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Regulations, on-site and off-site, including but not limited to sewers, all utilities, roads, parks, sidewalks, drains, culverts, and grading.

- d. A Phase III County Flood Control Report.
3. Review Fee: At the time of filing of the plat for Technical Review, the subdivider shall pay a fee as fixed by the Council. If revisions are made and further review is required, additional fees may be required.
- C. The Town Engineer will review the technical details of the plat and note any changes that are necessary for the plat to be in compliance with all Town, County, State and Federal Engineering Standards that apply. The Town Engineer will either approve, sign and stamp the plat, or reject the plat, and notify the Director in writing of findings. The Director will notify the subdivider of the findings in writing. If the plat is approved, the Director will advise the subdivider to proceed with final platting procedures. If the plat was rejected, the Director or Town Engineer will review with the subdivider the changes needed to receive approval.

### Section 12-3-6 Stage IV - Final Plat, Recording and Post Approval

This stage includes the approval of the final design of the subdivision, and the approval of the public improvement plans, including the submittal of the Final Plat for review and action by the Council. Also, this stage includes assurances that shall be required and approved by the Council before recording of the plat and the terms for the release of assurances and acceptance of improvements.

#### A. **Filing of Final Plat:**

1. To initiate Final Plat procedures, the subdivider shall file 1 two (2) copies, and one (1) digital copy of the Final Plat, and an application with the Director. A digital copy of all submitted materials is required.
2. Filing Fee: At the time of filing for Final Plat approval, the subdivider shall pay a fee as fixed by the Council. If revisions are made and further review is required, additional fees may be required.
3. The Final Plat shall be presented in accordance with the requirements set forth in **Section 12-3-6 B** of these Regulations and shall conform to the approved Preliminary Plat or the Revised Preliminary Plat and the approved Technical Review.

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### B. Form of Presentation for the Final Plat:

The following information is required as part of the Final Plat submittal. All mapped data for the same plat shall be drawn at the same standard engineering scale of at least one inch equals 100 feet (1" = 100'). A copy of the Final Plat and all supporting documents is also required in a digital format.

1. The Final Plat shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black ink on polyester film ("mylar"), that when filed, good legible prints and negatives can be made therefrom.
2. Sheet size shall be twenty-four inch by thirty-six inch (24" x 36") with a border line drawn completely around each sheet leaving an entirely blank margin of one half inch (1/2") except that the binding edge shall be two inches (2").
3. Certificates, affidavits, and acknowledgments shall be legibly stamped or printed upon the plat with black opaque ink. All signatures shall be in black water proof ink, with the ink surface coated with a suitable substance when used on polyester film to assure permanent legibility. Names and titles of signers shall be lettered legibly under their signatures.
4. Scale shall be shown with a bar scale and a written scale.
5. The exterior boundary of the subdivision shall be indicated by a heavy line.
6. Each sheet shall be numbered, the relation of one (1) sheet to another clearly shown, and the total number of sheets shown on each sheet.
7. The case number, subdivision name, date, scale and north point shall be shown on each sheet.
8. Every Final Plat shall have a title sheet either as a separate page or where the size of the subdivision permits as part of the Final Plat. Said title shall contain the following:
  - a. The subdivision name shall comprise the title.
  - b. Below the title shall be a sub-title consisting of a general description of all the property being subdivided, by reference to subdivisions or to sectional surveys.
  - c. References to adjacent subdivisions shall be worded identically with original records, with references to the books and pages of the

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subdivision.

- d. Name, address, and registration number of seal of the registered civil engineer and/or registered land surveyor preparing the plat.
  - e. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication and notary seals required by law and by these Regulations shall appear on the title sheet.
  - f. The title sheet shall show the basis of bearings.
  - g. A vicinity map showing the proposed subdivision and the surrounding subdivisions, dedicated right-of-way access to the subdivision, and parcels and streets located within a three hundred foot (300') radius of the boundaries of the proposed subdivision.
9. The following survey data shall be required as a part of Final Plat submittal:
- a. The corners of the subdivision shall be located on the monument lines of abutting streets; 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 distances shall be shown in feet and one hundredths of feet (1/100') thereof.
  - b. Any expected parcels within or surrounded by the plat boundaries shall be noted as "not a part of this subdivision" and shall show all bearings and distances of the expected parcel as determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
  - c. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. Each of two (2) separate corners of the subdivision transverse shall be tied by course and distances to separate section corners or quarter-section corners.
  - d. Location of all physical encroachments upon the boundaries of the tract.
  - e. Ties to any Federal, State, County and Town boundary lines, section corners and quarter corners involved.

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- f. Name, right-of-way lines, courses, lengths, and widths of all public streets, alleys, pedestrian or bicycle ways and utility easements: radii, points of tangency, curve lengths, and central angles of all curvilinear streets, alleys and intersection corners.
  - g. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways shall be dedicated drainage ways or right-of-way as determined by the Town Engineer or County Flood Control District.
  - h. All easements for right-of-way provided for public services or utilities and any limitations of the easements. The following notations shall be placed on all Final Plats: "Construction within easements, except by public agencies and utility companies, shall be limited to utilities, and wood, wire, removable section type fencing."
  - i. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the Town with the use clearly indicated.
  - j. The limits of any one hundred (100) year flood plain identified using the standards set forth by the Director of the Arizona Department of Water Resources, Requirement for Flood plain Delineation in Riverine Environments, together with the base flood elevation, shall be illustrated on the Final Plat. The regulatory elevation for the most critical location within each lot shall be shown on each lot that is impacted by the flood plain. A note shall also be placed on the plat indicating that "Flood Plain limits, base flood elevations and regulatory elevations may be revised by subsequent studies approved by the Yavapai County Flood Control District."
10. The following description data shall be required as a part of Final Plat submittal:
- a. All residential lots shall be numbered by consecutive numbers throughout the plat.
  - b. Dimensions and square footage of all lots.
  - c. "Tracts", "parcels", "exceptions" and "common open space" shall be so designated, lettered, or named, and clearly dimensioned.
  - d. Location of all adjoining subdivisions and developments with date,

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- name, book and page number of recordation noted. If adjoining land is unrecorded or undivided, so shall it be marked on the plat.
- e. Any existing or proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land, and to be recognized by the Town, shall be noted on the plat.
  - f. Limitations on rights of access to and from streets, lots and other parcels of land.
  - g. Locations and names of streets and pedestrian or bicycle ways adjacent to the proposed subdivision.
  - h. Typical section of proposed roadways to indicate thickness and type of surfacing, thickness of base courses as determined by soil analysis; design shall be by a Soils Engineer.
  - i. Detailed construction plans of all improvements on-site and off-site, prepared in accordance with all State, County and Town standards in effect at the time.
  - j. Locations and types of all traffic control devices in accordance with the latest manual of uniform traffic control devices by Arizona Department of Transportation (ADOT).
  - k. Provisions for the perpetual maintenance of private roads, recreation facilities, and/or open spaces that are part of the subdivision shall be provided for in the Property Owners Association (or other legal entities) organizational Articles of Incorporation, and must be acceptable to the Town.
  - l. Letters from each utility company indicating serviceability of the subdivision.
11. The following dedication and acknowledgment information is required for Final Plat submittal:
- a. Dedication: There shall be required as part of the Final Plat submittal an irrevocable offer of dedication of any streets, crosswalks, drainage ways, pedestrian or bicycle ways, trails, and other easements for public use by the parties holding title of record, by parties holding titles as vendees under land contract, by spouse of said parties, lienholders and all other parties having an

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interest in the property. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. It may also be necessary to dedicate drainage easements to the Yavapai County Flood Control district. Dedication shall include a written location by Section, Township and Range of the tract. If the plat contains private access ways, the right to install and maintain utilities, including refuse collection, in these access ways, shall be reserved.

- b. Acknowledgment of Dedication: Acknowledgment of the offer of dedication shall be certified by a notary public. All parties having any record title or interest in the land being subdivided shall be included in such acknowledgments.
  - c. An offer of dedication to the Town or County Flood Control District for any streets, pedestrian or bicycle ways, trails, areas, drainage ways, easements and other rights-of-way for public use either immediate or in the future shall not constitute public ownership or responsibility, until the Council formally accepts said offer of a dedication by separate instrument.
12. The following certifications shall be required as a part of the Final Plat submittal:
- a. Certification by the civil engineer or land surveyor preparing the plat, that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a civil engineer or land surveyor, whichever is applicable. Closure calculations may be required if deemed necessary by the Town Engineer.
  - b. Certification of plat approval by the Yavapai County Health Department.
  - c. A certificate signed and acknowledged by all parties having any record of title or interest in the land being subdivided offering for dedication rights of access to and from prescribed streets, lots and parcels of land.
  - d. A statement of adequate water supply from the Arizona Department of Water Resources or the local and if served by a water company, a statement of water serviceability from the serving water company (private or public).
13. A cost estimate for constructing the required public or private

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improvements signed and sealed by a professional engineer who is registered to practice in the State of Arizona. The cost estimate and method/type of assurance shall be approved by the Town Engineer and/or Town Attorney prior to approval of the Final Plat.

### C. **Final Plat Review:**

1. The Director, upon receipt of the Final Plat submittal, shall immediately record receipt and date of filing, and check it for completeness. If complete, the Director shall review the plat for substantial conformity to the approved Preliminary Plat, or revised Preliminary Plat, and forward copies of the submittal to the following reviewing parties who shall make known their recommendations in writing: the Yavapai County Flood Control District, Yavapai County Health Department, the Arizona Department of Transportation, if plat abuts a State Highway, the Clarkdale Fire District and the Town of Clarkdale Utilities Department.
2. The Director shall assemble the recommendations of the various reviewers, prepare a concise summary of their recommendations and submit his/her summary, together with the reviewer's recommendations, to the Council. If the Director finds that the Final Plat does not conform to the Preliminary Plat, as approved by the Commission or the approved Technical Review, as approved by the Town Engineer, then the Final Plat shall be submitted to the Commission for review and recommendation prior to submittal to the Council.

### D. **Final Plat Approval:**

1. Upon receipt of a request for Council action from the Director, the Town Clerk shall place the case on the agenda of the next regular Council meeting, whereupon the Council shall approve or deny the plat.
2. When the certificate of approval by the Council has been transcribed on the plat, the Town Clerk shall retain the plat until the following is met:
  - A. The Town Engineer certifies that the subdivision has been staked and that the engineering plans, for the subdivision improvements, have been approved.
  - B. The required letters of assurance of improvements from each serving utility company are attached.
  - C. An agreement executed by the Subdivider, in a form acceptable to the Town and approved the Town Council, covering the following:

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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 a specified time period, for each increment, as determined by the Town. 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/her 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, and the Town shall be entitled to recover the construction costs from the subdivider's financial assurances posted with the Town, and if insufficient, 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.

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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 Clarkdale, 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.
10. Assurance of Construction:
  - a. 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 an amount in cash or a letter of credit 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. The letter of credit shall be executed by the subdivider, as principal, with a corporation duly authorized to transact business in the State of Arizona, as surety. The letter of credit or cash shall be released upon satisfactory performance of the work and its acceptance by the Town Engineer. The letter of credit 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.
  - b. The duration of financial assurances shall be for thirteen (13) months, from the date of recording. Extension of time in one (1) year increments may be granted by the Council upon good cause. . The assurance shall remain in force and effect until it is released by the Council or has been authorized for partial release as provided herein.
  - c. The Town Engineer, upon receipt of a certification from the Engineer of Record, may authorize a reduction of the financial assurance for the work completed in accordance with the approved cost estimate and construction plans. Ten percent (10%) of the estimated cost of completed

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improvements shall be retained to insure sufficient funds remain to insure completion of the improvements, final inspections and preparation of final “as-built” plans.

- d. In the event that the subdivider defaults or fails or neglects to satisfactorily install the required improvements within one (1) year, the Town Council may declare the assurance forfeited, and the Town may make or cause the required improvements to be made, using the funds from the financial assurance to pay the full expense thereof. In addition, the Director shall notify the State Real Estate Commissioner of the default.
  - e. If good cause is shown by the subdivider, the Council may extend the term of the assurance and the time limit for completion of subdivision improvements.
11. Upon receiving certification from the Town Engineer and the assurances required by these Regulations, the Town Clerk shall cause the Final Plat to be recorded in the Office of the Yavapai County Recorder.
  12. Inspection: The subdivider, using the services of an Arizona registered Professional Engineer and plans as approved by the Town Engineer, shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than thirty (30) days prior to the release date of the assurance, the Engineer of Record shall make an inspection of the improvements and shall submit a set of “as-built” construction plans, if complete, or a report on the status of improvements, if only partially complete, to the Town Engineer.
  13. A fee may be imposed by the Council for the inspection by the Town Engineer.
  14. Report to Council: The Town Engineer will review the “as-built” plans and/or report, with the subdivider’s engineer and notify the subdivider of any noncompliance with the approved construction plans or with these Regulations. If the Town Engineer determines that compliance has been made, he will then submit a report to the Council, setting forth the conditions of such facilities.
  15. Release: A certificate sealed by the Engineer of Record on the “as-built” plans stating that the construction has been completed in substantial conformance to the specifications and standards contained in or referred to herein, must be approved by the Town Engineer and presented to the Council prior to the final release of assurances. If all of the improvements

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

16. Once the improvements are approved and the assurances released, the Council shall review the improvements for acceptance into the Town system for maintenance.
17. If the Council approves the plat, the Town Clerk shall transcribe a certificate of approval upon the plat, first making certain that the other certifications required by these Regulations, have been duly signed.

### Section 12-3-7 Minor Subdivision

The Minor Subdivision is a process developed to respond to the needs of property owners who are proposing subdivisions of ten (10) lots or fewer. The Preliminary Plat process is replaced by an administrative review by a member of the Subdivision Committee. The Final Plat is still required for Minor Subdivisions, as is the requirement for compliance with all requirements of Arizona Revised Statutes and compliance with all requirements of the Arizona Department of Real Estate.

### Section 12-3-8 Outline of Minor Subdivision Procedures

The preparation, submittal, review, and approval of all Minor Subdivision Plats located in the Town limits shall proceed through the following progressive stages:

- A. Stage I Pre-Application Conference
- B. Stage II Minor Subdivision Plat
- C. Stage III Technical Review
- D. Stage IV Final Plat, Recording and Post Approval

### Section 12-3-9 Stage I - Pre-Application Conference

- A. The "Pre-Application Conference" stage of subdivision planning –comprises an investigatory period which precedes actual preparation of preliminary plans by the subdivider. During this stage the subdivider makes known his/her intentions to the Town and is advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements.
- B. Actions by the subdivider: The subdivider shall meet informally with the

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Community Development Department to present a general outline of the proposal, including but not limited to:

1. Four (4) copies of the sketch plans that includes: the name of the development, location by Section, Township and Range with reference to section corners and quarter corners, land use, street and lot arrangement tentative lot sizes, existing improvements, major washes and drainage ways, known flood hazards, generalized land use in the vicinity, documented historical or archeological resources and proposed bikeways, trails, open space, parks, and recreation facilities.
  2. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
  3. Information regarding legal problems which are associated with the property, if any.
- C. Actions by Community Development Department (CDD): The CDD will discuss the proposal with the subdivider and advise him/her of procedural steps, design and improvement standards, and general plat requirements. Then depending on the scope of the proposed development, the Community Development Department will proceed with the following investigations:
1. Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.
  2. Determine the adequacy of existing or proposed schools, parks and other public places.
  3. Inspect the site or otherwise determine the relationship to major streets, utility systems, and adjacent land uses and to determine any unusual problems such as topography, utilities, flooding, etc.
  4. Determine the need for preparation and review of a Development Master Plan (DMP) prior to subsequent consideration of a Preliminary Plat.
  5. Advise the subdivider if a DMP may be required and estimate the time that it will take the Town to develop it. If the developer would like to prepare the DMP, in order to save time, the Town will advise in its preparation.
- D. Upon the conclusion of Stage I activities, the subdivider shall prepare a Memorandum of Understanding. It shall be formally acknowledged in writing by all parties. The Memorandum of Understanding shall include all items discussed.

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The Minor Subdivision Plat stage of a subdivision includes detailed subdivision planning, submittal, review and approval of the Minor Subdivision Plat. To avoid delay in processing this application, the subdivider shall carefully provide the Town 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 of the zoning district within which it is located.
- B. **SANITARY SEWAGE, REFUSE DISPOSAL AND WATER SUPPLY:** As a prerequisite to Preliminary Plat review, the subdivider shall have informed all pertinent regulatory agencies of his/her tentative plans and the subdivider shall become informed of the general requirements for sewage disposal, water supply and refuse disposal which may apply to his/her property.
- C. **OWNERS AUTHORIZATION:** The application for Minor Subdivision shall be signed by the legal owner of the property or an agent authorized in writing by the owner to act for the owner. The final plat shall be signed by the owner of the property for which Minor Subdivision approval is sought.
- D. **MINOR SUBDIVISION PLAT SUBMISSION:**
  - 1. Two (2) twenty-four inch by thirty-six inch (24" x 36") copies of the Minor Subdivision Plat and one digital copy of the plat and all supporting documents are required, prepared in accordance with requirements set forth in **Section 12-3-4 E** of these Regulations, shall be filed with the Director at least sixty (60) days prior to the date on which the subdivider desires to be reviewed. Copies of the Minor Subdivision Plat shall be reproduced in the form of blue line or black line prints on a white background. Scheduling of the case for Subdivision Committee review shall be dependent upon adequacy of data presented and completion of processing, and shall occur within sixty (60) days from date of submission.
  - 2. **Fee:** A Minor Subdivision Plat fee which is adopted by the Council shall be paid by the applicant prior to the acceptance of the Minor Subdivision. The filing fee shall also cover filing of an amended or revised Minor Subdivision Plat handled as the same case. If Minor Subdivision approval expires prior to application for final approval, the plat shall be resubmitted for Minor Subdivision approval as a new case and the subdivider shall pay the required fees.
  - 3. The submittal shall be checked by the Director for content in accordance with requirements set forth in **Section 12-3-10 E** of these Regulations. If

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incomplete, the subdivider will be notified within five (5) days and given the opportunity to comply. Upon determination by the Director that the application is complete, a case number will be assigned and the applicant will be notified in writing of the acceptance. A review by the Subdivision Committee will be scheduled no sooner than fifteen (15) days or no later than forty-six (46) days after acceptance of the Minor Subdivision Plat application.

### E. FORM OF PRESENTATION FOR MINOR SUBDIVISION PLAT:

The information herein required as part of the Minor Subdivision 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. The scale shall not be smaller than one inch equals one hundred feet (1" = 100').

The Minor Subdivision Plat submittals shall include the information listed in Section 12-3-4-E of these Regulations.

### F. MINOR SUBDIVISION PLAT REVIEW:

1. The Director shall distribute copies of the plat to the following:
  - a. Subdivision Committee:
    - I. Director
    - II. Public Works and Utilities Director
    - III. A member of the Planning Commission.
    - IV. Town Engineer
  - b. The Yavapai County Flood Control District for review of flood control and drainage measures.
  - c. The Yavapai County Environmental Services for review of sewage disposal proposal.
  - d. Representatives of local utilities for review.
  - e. Where the land abuts a State Highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.
  - f. Town of Clarkdale Fire and Police Departments

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2. The reviewers may be requested to transmit their recommendations to the Director in writing. The Director will then summarize the recommendations, prepare a report and present it to the Committee.
- G. **RESPONSIBILITIES OF THE SUBDIVISION COMMITTEE:** The Subdivision Committee shall recommend for approval, conditional approval, or denial of the proposed Minor Subdivision Plat, as proposed, after considering the recommendations and findings of the Director and all other appropriate agencies, and testimony of the applicant.
1. Recommendation for approval by the Subdivision Committee shall be based on the following findings:
    - a. That the proposed subdivision conforms to the adopted goals, objectives and policies of the Town.
    - b. That the proposed subdivision, as reviewed and approved, will not be detrimental to the public health, safety, and general welfare.
    - c. That environmental concerns conform with adopted standards.
    - d. That the design of the proposed subdivision is sensitive to the physical characteristics of the site.
    - e. That the proposed subdivision is consistent with provisions and intents of Zoning Code requirements applicable to the property.
    - f. That the proposed subdivision conforms with the improvement standards and design standards set forth in these Regulations and other applicable Town, County, State and Federal regulations.
  2. If satisfied that all objectives of these Regulations have been met, the Subdivision Committee shall recommend approval of the Minor Subdivision Plat, and the Subdivision Committee, Planning Commission representative shall sign nine (9) copies of the Minor Subdivision Plat as recognition of approval. One (1) copy will be returned to the sub-divider, five (5) copies will be forwarded to the Council, one (1) copy will be forwarded to Town Engineer, one (1) copy will be forwarded to the Director and one (1) copy will be kept in the Commission's permanent file. After recommending approval, the staff will notify the Town Clerk to schedule a public hearing on the matter before the Council, no sooner than twenty-one (21) days nor later than forty-six (46) days after the date of the Subdivision Committee's action.

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3. If the Minor Subdivision Plat is generally acceptable but requires minor revision(s), the Subdivision Committee shall recommend for conditional approval, the required revisions being noted in the meeting minutes. The staff will forward a copy of the minutes with the copies of the Minor Subdivision Plat to the Council.
  4. If the Subdivision Committee finds that the Minor Subdivision Plat requires major revision, the case shall be held over pending revision, re-submittal, processing and rescheduling for review.
- H. **APPEALS:** If the Subdivision Committee finds that the Minor Subdivision Plat does not meet the requirements of these Subdivision Regulations, the subdivider may appeal this decision to the Council.
1. All appeals shall be made in writing and filed with the Council with a copy also filed with the Commission, setting forth the particulars and the reasons for the appeal.
  2. Appeals must be made within thirty (30) days from the date of the findings of the Subdivision Committee.
  3. The Council will hear such cases for appeal no later than thirty (30) days after appeal is taken.
  4. The Council shall decide appeals wherein it is alleged by the subdivider that there is error in any order, requirement, decision, grant or refusal made by the Subdivision Committee or any official in the administration of these Regulations.
  5. The Council may approve, disapprove or approve with modifications, upon appeal or recommendation of the Subdivision Committee in specific cases, such variations as will not be contrary to the public interest, where, according to special conditions, a literal enforcement of these Regulations will result in unnecessary hardship, so that the spirit of these Regulations shall be observed and substantial justice done.
- I. **SIGNIFICANCE OF MINOR SUBDIVISION PLAT APPROVAL:** Minor Subdivision Plat approval constitutes authorization for the subdivider to proceed with preparation of the engineering plans and specifications for public improvements. Minor Subdivision approval is subject to:
1. The basic considerations under which approval of the Minor Subdivision Plat is granted will not be changed prior to the expiration date of Minor Subdivision Plat approval.

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2. Approval is valid for a period of twelve (12) months from the date of Council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the original date of approval. Extensions of the Minor Subdivision Plat approval may be granted by the Council upon receipt of a letter from the subdivider before the expiration date.
3. Minor Subdivision Plat approval, in itself, does not assure final acceptance of streets for dedication or continuation of existing zoning requirements for the tract or its environs. It does not constitute authorization to record the plat.
4. Compliance with all requirements of the Arizona Revised Statutes and compliance with all requirements of the Arizona Department of Real Estate.

### Section 12-3-11 Stage III – Minor Subdivision Technical Review

The Technical Review stage is designed for the Town Engineer to approve all details of the engineering plans and specifications for public improvements before recommending that the subdivider proceed with Final Plat procedures.

- A. Submittal for Technical Review shall be made to the Town Engineer with one copy to the Director. The submittal shall be checked by the Town Engineer for content in accordance with requirements set forth in Section 12-3-5 E of these Regulations and for substantial conformity with the approved Minor Subdivision Plat. Whether complete, incomplete or non-conforming with the approved Minor Subdivision Plat the subdivider will be notified within fifteen (15) days and given the opportunity to comply.
- B. Submittal requirements: The following information is required for Technical Review submittal and shall be shown graphically, by note, or by letter and may comprise several sheets showing various elements of the required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, adjusted to produce an overall drawing of twenty-four inch by thirty-six inch (24" x 36"). The Town Engineer may also require that the Technical Review be provided on computer diskette in a format suitable for his use.
  1. The applicant may use more than one (1) sheet if necessary, using one (1) of the standard engineering scales. The scale shall be not less than one inch equals one hundred feet (1" = 100') providing sufficient detail to illustrate the subdivider's intent.

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2. Two (2) paper and one (1) electronic set of the approved Minor Subdivision Plat are required. Whenever a Development Master Plan (DMP) has been reviewed and approved by the Council, two (2) and one (1) electronic copy of the approved DMP shall be submitted. Planned Area Developments (PADs) shall submit two (2) copies of typical floor plans and elevations.
  3. Identification and descriptive data:
    - a. All information required of the Minor Subdivision Plat.
    - b. Building setbacks for a typical lot. Where there are lots with more than four (4) sides or whose shape may be considered atypical, show all setbacks.
    - c. Construction plans of all improvements required by these regulations, on-site and off-site, including but not limited to sewers, all utilities, roads, parks, sidewalks, drains, culverts and grading.
    - d. A Phase III County Flood Control Report.
  4. Review Fee: At the time of filing of the plat for Technical Review, the subdivider shall pay a fee as fixed by the Council. If revisions are made and further review is required, additional fees may be required.
- C. The Town Engineer will review the technical details of the plat and note any changes that are necessary for the plat to be in compliance with all Town, County, State, and Federal Engineering Standards that apply. The Town Engineer will approve, sign and stamp the plat, or reject the plat, and will notify the Director in writing of findings. The Director will notify the subdivider of the findings in writing. If the plat is approved, the Director will advise the subdivider that to proceed with final platting procedures. If the plat was rejected, the Director or Town Engineer will review with the subdivider the changes needed to receive approval.

### Section 12-3-12 Stage IV –Minor Subdivision Final Plat, Recording and Post Approval

This stage includes the approval of the final design of the Minor Subdivision and the approval of the public improvements plans, including the submittal of the Final Plat for review and action by the Council. This stage also includes assurances that shall be required and approved by the Council before recording of the plat and the terms for the release of assurances and acceptance of improvements.

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### A. Filing of Final Plat:

1. To initiate Final Plat procedures, the subdivider shall file two (2) twenty-four by thirty-six inch (24"x 36") and one digital copy of all materials and an application with the Director.
2. Filing Fee: At the time of filing for Final Plat approval, the subdivider shall pay a fee as fixed by the Council. If revisions are made and further review is required, additional fees may be required.
3. The Final Plat shall be presented in accordance with the requirements set forth in **Section 12-3-6 B** of these Regulations and shall conform to the approved Minor Subdivision Plat or the Revised Minor Subdivision Plat and the approved Technical Review.

### B. Form of Presentation for the Final Plat:

All information listed in Section 12-3-6 B shall be required as part of the Final Plat. All mapped data for the same plat shall be drawn at the same standard engineering scale of at least one inch equals 100 feet (1" = 100'). The Director may also require that the Final Plat be provided on computer diskette in a format suitable for his/her use.

### C. Minor Subdivision Final Plat Review:

1. The Director, upon receipt of the Final Plat submittal, shall immediately record receipt and date of filing, and check it for completeness. If complete, the Director shall review the plat for substantial conformity to the approved Preliminary Plat, or revised Preliminary Plat, and forward copies of the submittal to the following reviewing parties who shall make known their recommendations in writing, the Yavapai County Flood Control District, Yavapai County Health Department and the Arizona Department of Transportation, if plat abuts a State Highway.
2. The Director shall assemble the recommendations of the various reviewers, prepare a concise summary of their recommendations and submit his/her summary together with the reviewer's recommendations to the Council. If the Director finds that the Final Plat does not conform to the Preliminary Plat, as approved by the Commission or the approved Technical Review, as approved by the Town Engineer, then the Final Plat shall be submitted to the Commission for review and recommendation prior to submittal to the Council.

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- D. Minor Subdivision Final Plat Approval, Recording and Post Approval:**
1. Upon receipt of a request for Council action from the Director, the Town Clerk shall place the case on the agenda of the next regular Council meeting, whereupon the Council shall approve or deny the plat.
  2. If the Council approves the plat, the Town Clerk shall transcribe a certificate of approval upon the plat, first making certain that the other certifications required by these Regulations have been duly signed.
    - a. When the certificate of approval by the Council has been transcribed on the plat, the Town Clerk shall retain the plat until the Town Engineer certifies that the Minor Subdivision has been staked and that the engineering plans for the subdivision improvements have been approved.
    - b. The required letters of assurance of improvements from each serving utility company are attached.
    - c. Construction Agreement executed by the Subdivider, in a form acceptable to the Town and approved by the Town Council, 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 the 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 a specified time period, for each increment, as determined by the Town. An extension of time may be granted under conditions specified therein.

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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, and the Town shall be entitled to recover the construction costs from the subdivider's financial assurances posted with the Town and, if insufficient, 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 Clarkdale, 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.
10. Assurance of Construction:
  - a 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 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. 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

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satisfactory to the Town has been deposited which will cover the obligations of the subdivider, which remain to be performed.

- b. The duration of financial assurances shall be for thirteen (13) months, from the date of recording. Extension of time in one (1) year increments may be granted by the Council upon good cause. . The assurance shall remain in force and effect until it is released by the Council or has been authorized for partial release as provided herein.
  - c. The Town Engineer, upon receipt of a certification from the Engineer of Record, may authorize a reduction of the financial assurance for the work completed in accordance with the approved cost estimate and construction plans. Ten percent (10%) of the estimated cost of completed improvements shall be retained to insure sufficient funds remain to insure completion of the improvements, final inspections and preparation of final "as-built" plans.
  - d. In the event that the subdivider defaults or fails or neglects to satisfactorily install the required improvements within one year, the Town Council may declare the assurance forfeited, and the Town may make or cause the required improvements to be made, using the funds of the financial assurance to pay the full expense thereof. In addition the Director shall notify the State Real Estate Commissioner of the default.
  - e. If good cause is shown by the subdivider, the Council may extend the term of the assurance and the time limit for completion of subdivision improvements.
4. Upon receiving certification from the Town Engineer and the assurances required by these Regulations, the Town Clerk shall cause the Final Plat to be recorded in the Office of the Yavapai County Recorder.
  5. Inspection: The subdivider, using the services of an Arizona registered Professional Engineer and plans as approved by the Town Engineer, shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than thirty (30) days prior to the release date of the assurance, the Engineer of Record shall make an inspection of the improvements and shall submit a set of "as-built" construction plans, if complete, or a report on the status of improvements, if only partially complete, to the Town Engineer.

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6. A fee may be imposed by the Council for the inspection by the Town Engineer.
7. Report to Council: The Town Engineer will review the “as-built” plans and/or report, with the subdivider’s engineer and notify the subdivider of any noncompliance with the approved construction plans, or with these Regulations. If the Town Engineer determines that compliance has been made, a report will be submitted to the Council, setting forth the conditions of such facilities.
8. Release: A certificate sealed by the Engineer of Record on the “as-built” plans stating that the construction has been completed in substantial conformance to the specifications and standards contained in or referred to herein, must be approved by the Town Engineer and presented to the Council prior to the final release assurances. If all of the improvements comply with Town Standards, the Council shall release the guarantee. If the condition of materials or workmanship show unusual depreciation or does not comply with Town Standards the Town Engineer may present this information to the Council who may declare the subdivider in default.
9. Once the improvements are approved and the assurances released, the Council shall review the improvements for acceptance into the Town system for maintenance.

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### Article 12-4 MINOR LAND DIVISIONS AND LOT LINE ADJUSTMENTS

#### Section 12-4-1 Purpose of Minor Land Divisions

- A. Provide for the division of land into parcels or lots of two (2) or three (3) parts through a process that is more expeditious than the subdivision process.
- B. Maintain accurate records of surveys created to divide existing parcels or lots.
- C. Assure that the proposed land division conforms with the standards established by the Town of Clarkdale.
- D. Ensure adequate legal access to lots or parcels.
- E. Ensure adequate emergency vehicle access to lots or parcels.
- F. Ensure that Minor Land Division does not constitute a subdivision as defined in Town Code Article 12-2 or Arizona Revised Statutes Title 9.

#### Section 12-4-2 Applicability

- A. The regulations contained in this Article shall apply to all divisions of land made within the corporate limits of the Town of Clarkdale since December 12, 1986, the effective date of revisions to the Town Code, whereby the division of any property into four (4) or more parcels shall proceed through the subdivision process and be subject to all of the provisions of Chapter 12 Subdivision Regulations of the Town of Clarkdale.
  1. The division of improved or unimproved land or lands into two (2) or three (3) lots, tracts, or parcels, and which does not involve a new street, shall be subject to the provisions of this Article.
  2. The division of any property into four (4) or more parcels, -or if a new street is involved, or the division of any property, the boundaries which have been fixed by a recorded plat, into more than two (2) parcels, shall proceed through the Subdivision process.

#### Section 12-4-3 General Standards

- A. All Minor Land Divisions shall be developed to comply with all requirements for the specific zoning district in which the divisions are located. At a minimum, these will include meeting the following, if applicable:
  1. Minimum lot size

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2. Minimum lot width
  3. Minimum setbacks
  4. Minimum yard or frontage requirements
- B. No lot or parcel shall be divided so that any division of the lot contains more dwelling units than are permitted by the zoning district for which the lot or parcel is located.
- C. No lot or parcel shall be divided so that any division of the lot results in a split zoning classification on a single lot or parcel.
- D. No lot or parcel shall be divided so that any division of the lot or parcel results in the creation of a non-conforming structure or use.
- E. No lot or parcel shall be divided so that any division of the lot results in a lack of legal access to any lots or parcels created by the division.

### Section 12-4-4 Application Requirements

This section outlines the minimum information needed to enable the Town to make informed and expeditious decisions regarding applications for Minor Land Divisions. Unless exempted by the Director, the information contained in this Section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than one inch equals one hundred feet (1" = 100'). Unless otherwise directed, the map data will be drawn on a sheet not to exceed twenty-four inches by thirty-six inches (24" x 36").

- A. Minor Land Divisions:
1. Completed Minor Land Divisions Application
  2. Minor Land Divisions Survey five (5) copies from a land surveyor registered in the State of Arizona) containing the following information:
    - a. Title, which shall read "Minor Land Division Map for "(name of applicant)".
    - b. Location by section, township, and range.
    - c. Legal description of land involved.
    - d. Name, address, and phone number of applicant and/or owner.
    - e. Scale, north point, and dates of preparation and revisions.
    - f. Existing streets (public or private), utility easements, and lot or

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- parcel lines.
- g. Name, address, registration number, and seal of the registered land surveyor preparing the map.
  - h. Boundaries of the tract to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be shown in feet and decimals.
  - i. Location and dimensions of all lots within the Minor Land Division Map. All sides of the proposed lots shall be identified by bearing and distances.
  - j. All lots shall be identified by number or letter.
  - k. Proposed street dedications or private access easements, as well as public utility easements, shall be identified by course, length and width.
  - l. If questions pertaining to property boundaries develop, the Community Development Department may require location of all existing physical and natural features, including, but not limited to, buildings, structures, bridges, culverts, within the Minor Land Division boundaries. The applicant should also identify any of those features which are to be removed.
  - m. The map shall include provisions for signatures by the Director and the Town Engineer and the date of approval..
  - n. Identify any public utility extensions or upgrades, when required, to serve proposed land division.
  - o. Any ingress or street improvements necessary to ensure compliance with emergency vehicle access, dust abatement, and drainage improvements necessary to mitigate any negative effects on current public infrastructure adjacent to and/or fronting the proposed land division.
  - p. Other information as deemed applicable by the Director to enable the Town to determine the compliance of the Minor Land Division with applicable ordinances and regulations.
3. Payment of a fee for review of the application.

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4. Provide documentation of the land division history of the parcel proposed to be divided in the form of a chain of title or a history of the ownership of the parcel proposed to be split, dating back to December 12, 1986, the effective date of the Code; the chain of title or history of ownership shall be provided so as to determine whether or not the proposed land split constitutes a subdivision as per the provisions of Article 12-2 of the Town Code. Such documentation shall be presented by a recognized title company doing business in the state of Arizona in the form of a title history search, copies of deeds, or County Assessor's records and maps.

### Section 12-4-5 Application Process

1. Pre-Application Process
  - a. The applicant shall meet with the Director to discuss the proposed Minor Land Division. The Director shall advise the applicant of the specific objectives of this article and the specific procedures, standards, and approval process regarding the review of the application.
  - b. The Director shall advise the applicant regarding the requirements to provide a chain of title or history of ownership so as to determine whether the proposed division of land would constitute a subdivision of four (4) or more parcels.

### 2. Submittal of Application to the Community Development Department

The Director, or his/her designee, shall check all submittals to ensure that the application complies with the objectives and standards of this Ordinance and the General Plan. It shall be the responsibility of the Planning Department to ensure that all relevant departments, utilities, and other agencies receive copies for review. The following information is required at the time of application:

- a. Completed application form
- b. Application fee
- c. Completed land division survey as noted in **Section 12-4-4 A.2** above.
- d. The chain of title or history of the ownership of the parcel proposed to be split.

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### 3. Decision of Director

Upon receipt of a completed application, the Director, or his/her designee, shall approve or deny the Permit within thirty (30) days. A denial may be based only upon one (1) or more, of the following findings:

- a. Parcels resulting from the division do not conform to applicable zoning regulations.
- b. The division of land results in a subdivision as defined in the Subdivision Regulations.
- c. One (1), or more, of the resulting parcels are landlocked.

### 4. Appeals

Appeals to the Board of Adjustment may be taken by any applicant aggrieved by a decision of any administrative office made in the enforcement of Article 12-4 of the Town Code.

### 5. Actions After Approval

If approved, the applicant shall submit the following:

- a. A final, recordable, reproducible, map twenty-four inches by thirty-six inches (24" x 36") consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of each lot, track or parcel, and signature block for the Director.
- b. Upon written approval by the Director, applicant shall record the Minor Land Division map with the Yavapai County Recorder's Office. Said recording shall occur within sixty (60) days of approval, or the Minor Land Division shall automatically become null and void. A copy of the recorded land division shall be provided to the Community Development Department after being recorded.

#### Section 12-4-6 Conspiracy to Subdivide

Any Minor Land Division or sequence of divisions which are the result of two (2) or more individuals, firms, partnerships or corporations conspiring together to create four (4) or more parcels of land shall be deemed a subdivision and subject to all provisions of the Town of Clarkdale Subdivision Ordinance.

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### Section 12-4-7 Purpose of Lot Line Adjustment

The Lot Line Adjustment is an agreement between adjoining property owners to adjust a common boundary line. No new lots or parcels are created. For purposes of this Article, a Lot Line Adjustment shall include the following acts:

1. The Lot Line Adjustment between owners of adjoining properties solely for the purpose of revisions to common boundary lines; and,
2. Additional lots are not being created; and,
3. Any lot remaining after the Lot Line Adjustment shall contain at least the minimum lot size, setback, frontage as required by the Zoning Code, and shall meet all other lot standards of the Town of Clarkdale's Zoning Code.

### Section 12-4-8 General Standards

- A. All Lot Line Adjustments shall be developed to comply with all requirements for the specific zoning district in which the divisions are located. At a minimum, these will include meeting the following, if applicable:
  1. Minimum lot size
  2. Minimum lot width
  3. Minimum setbacks
  4. Minimum yard or frontage requirements
- B. No Lot Line Adjustment shall result in more dwelling units than are permitted by the zoning district for which the lot or parcel is located.
- C. No Lot Line Adjustment shall result in a split zoning classification on a single lot or parcel.
- D. No Lot Line Adjustment shall result in the creation of a non-conforming structure or use.
- E. No Lot Line Adjustment shall result in a lack of legal access to any lots or parcels created by the division.

### Section 12-4-9 Application Requirements

This section outlines the minimum information needed to enable the Town to make informed and expeditious decisions regarding applications for Lot Line Adjustments. Unless exempted by the Director, the information contained in this Section shall be provided by each applicant. All

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mapped data shall be drawn to a scale of not greater than one inch equals one hundred feet (1" = 100'). Unless otherwise directed, the map data will be drawn on a sheet not to exceed twenty-four inches by thirty-six inches (24" x 36").

### A. Lot Line Adjustments:

1. Completed Lot Line Adjustment Application
2. Lot Line Adjustment Survey (two (2) copies completed by a registered land surveyor in the State of Arizona); and,
3. Payment of the Application Fee.

### Section 12-4-10 Application Process

An application for Lot Line Adjustment shall be submitted to the Director with two (2) copies of the lot line adjustment survey and the application fee. The Director shall have thirty (30) working days to approve or reject the application. If approved by the Director, the land survey shall be recorded by the applicant in the office of the Yavapai County Recorder within ten (10) calendar days. A copy of the recorded Lot Line Adjustment shall be provided to the Community Development Department after recording. If rejected, written notice shall be provided to the applicant via first class mail, postmarked within ten (10) days after the expiration of the thirty (30) day review period. The written notice shall specify the reasons for denial.

### A. Appeals:

Appeals to the Board of Adjustment may be taken by any applicant aggrieved by a decision of any administrative office made in the enforcement of Article 12-4 of the Town Code (see Section 17-2-3 of the Town Code for the appeal procedure).

### B. Actions after Approval:

If application is approved the applicant shall submit the following:

1. A final, recordable, reproducible, map twenty-four inches by thirty-six inches (24" x 36") consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of each lot, track, or parcel, and signature block for the Director.
2. Upon written approval by the Director, the applicant shall record the Lot Line Adjustment map with the Yavapai County Recorder's Office. Said recording shall occur within sixty (60) days of approval or the Lot Line Adjustment shall automatically

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become null and void. A copy of the recorded land division shall be provided to the Community Development Department after being recorded.

### Article 12-5 SUBDIVISION DESIGN PRINCIPLES AND STANDARDS

#### Section 12-5-1 General

The provisions of this article shall apply to all subdivisions which are located wholly or partially within the Town of Clarkdale. Every subdivision shall conform to the goals and objectives of the General Plan, the Zoning Code, the Town Code and the Arizona Revised Statutes. All construction and repair of public facilities and private roads shall be accomplished in accordance with the latest Uniform Standard Specifications for Public Works Construction as written and promulgated by the Maricopa Association of Governments and adopted by the Town of Clarkdale. Additionally, all traffic control devices shall be placed in accordance with the latest edition of the Manual of Uniform Traffic Control Devices as adopted by the Arizona Department of Transportation.

Subdivision designs that promote the preservation of natural features, unique vegetation, historical sites and archeological sites are encouraged and may be required.

#### Section 12-5-2 Reservation of Land for Public Use

Where the tract of land to be subdivided contains all or any part of the site of a park, school, flood control facility, or other public area as shown on the General Plan, or as recommended by the Commission, such site shall be dedicated to the public or reserved for acquisition by the public within one (1) year after recording the Final Plat unless a different timeline is agreed upon in the subdivision or development agreement. An agreement should be reached between the subdivider and the appropriate public agency regarding time, method and cost of such acquisition. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in this article by agreeing to a timetable for development and dedication of the reserved land within such one (1) year period or such extended period as may be mutually agreed upon by such public agency and the subdivider, the reservation of such area shall terminate.

#### Section 12-5-3 Street Location and Arrangement

- A. Whenever a tract to be subdivided embraces any part of a street designated in the adopted Town General Plan, Street Plan, Trail Plan, or Circulation Plan, such streets bicycle ways, pedestrian ways and trails shall be platted in conformance therewith.
- B. Street layout shall provide for the continuation of such streets as the Subdivision Committee and/or the Commission may designate.

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- C. The street pattern in the land development shall not landlock adjacent property nor preclude access to public land.
- D. Whenever a tract to be subdivided is located within an area for which a Neighborhood Plan has been approved, the street arrangement shall conform substantially to said plan.
- E. Proposed collector streets shall be extended to the tract boundary to provide future connection with adjoining unplatted lands, or existing collector streets.
- F. Local residential streets shall be so arranged as to discourage through traffic.
- H. Where a subdivision abuts or contains the right-of-way of a drainage way, an irrigation ditch, a railroad right-of-way, or abuts a commercial or industrial land use, the Director and Commission 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 intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.
- I. 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.
- J. Alleys shall be required in all commercial and industrial subdivisions unless the Subdivision Committee and the Commission recommend waiving this requirement. Alleys may be required in residential subdivisions if the Subdivision Committee and the Commission recommend that alleys be required to complete an existing pattern or to provide secondary access to adjacent properties or service.
- K. Half-streets shall be discouraged, except where necessary, to provide right-of-way required by the adopted Town Circulation Plan, to complete a street pattern already begun, or to insure 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 be platted within the tract.
- L. Street patterns that provide multiple access to the subdivision are encouraged and may be required by the Committee, Commission and/or the Council.

### Section 12-5-4 Dedicated Access

- A. Each subdivision shall provide for adequate traffic circulation based on the

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Average Daily Traffic (ADT) and classification system in **Section 12-5-5** of these Regulations.

- B. Where private streets are approved, the plat, the deed restrictions and the Homeowners Association by-law shall contain statements declaring these streets to be private and remaining the permanent responsibility of the Homeowners Association. Such private streets are subject to an easement authorizing use by emergency and public service vehicles.
- C. Cul-de-sac streets shall not be any longer than six hundred feet (600'). The Director and the Commission may recommend approval of a longer cul-de-sac if the topography, adjacent platting or other unusual conditions justify the exception.
- D. Cul-de-sac streets shall terminate in a circular right-of-way, fifty feet (50') in radius, with an improved traffic turning circle of a minimum forty feet (40') in radius.
- E. Acute angle intersections and intersections on the inside of a horizontal curve are prohibited, unless otherwise approved by the Town Engineer.
- F. Street designs shall meet the criteria of Figure 3 (Street Classification and Minimum Design Standards) and Figure 4 (Street Curve and Design Data).
- G. Dead-end streets will not be approved except in locations designated by the Subdivision Committee and Commission as necessary to future extension in development of adjacent lands. In any case, a dead-end street serving more than four (4) lots shall provide, by easement, a temporary turning circle with a forty foot (40') radius or other acceptable design to accomplish adequate access.
- H. At street intersections, property line corner shall be rounded by circular arc, said arc to be the corner cut-off minimum from figure 4.
- I. At the intersection of two (2) streets of different classification, the corner cut-off dimension and curb return radius of the wider street shall be used.
- J. Vertical curbs shall be required on the downhill side of streets having grades of six percent (6%) or greater.
- K. The minimum street grade shall be five percent (0.5%).
- L. No subdivision shall be approved without dedicated legal access to a collector street.

### Section 12-5-5 Street Classification

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- A. Streets will be classified in a street hierarchy system with design tailored to function as shown in Figure 3.
- B. The street hierarchy system shall be defined by use and Average Daily Traffic (ADT) rates calculated by average trip generation rates prepared by the Institute of Transportation Engineers, as indicated in Figure 2. The subdivider may use another approved method if it can be demonstrated to better reflect local conditions.
- C. The subdivider will demonstrate to the Commission that no street shall exceed the maximum ADT's of Figure 3.
- D. Rural street designs may be used only in residential areas developed with a minimum lot size of twenty thousand (20,000) square feet.

Exhibits A-F have been added for Residential Collector and Local streets, for Rural Collector and Local streets and Rural Lanes and Private Streets.

### Section 12-5-6 Block Design

- A. Maximum length of blocks measured along the centerline of the street, and between intersecting street center lines, is twelve hundred feet (1200'), except that in a development with lot areas averaging one-half ( $\frac{1}{2}$ ) acre or more, or where conditions warrant, this maximum may be exceeded by five hundred feet (500'). Blocks shall be as long as reasonably possible under the circumstances within the above maximums in order to achieve depth and possible street economy and to reduce the expense and safety hazard arising from excessive street intersections.
- B. Pedestrian/bicycle ways with right-of-way widths of eight to twelve feet (8'-12') may be required where essential for circulation or access to schools, playgrounds, shopping centers, public land, transportation and other community facilities. Pedestrian/bicycle ways may also be used for utility and drainage purposes if so noted on the plat and approved by the Commission and the Town Engineer.

### Section 12-5-7 Lot Planning

- A. Lot width, depth, frontage, area and building setbacks shall comply with the minimum requirements of the Zoning Code, and shall be appropriate for the location and character of the 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, special lot width, depth and area standards may be considered. Innovative development approaches such as clustered or planned development may be explored in the interest of producing unique, environmentally sensitive projects.

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- B. Lands that are subject to periodic inundation, subsidence of the earth's surface, high water table, adverse topography, adverse soils, or other natural or manmade hazards to life or property shall be excluded from subdivision unless it can be substantiated by the subdivider, that proposed lot configurations and sizes, grading and drainage techniques, or other special development approaches are provided as deemed reasonable and necessary to protect the public health, safety, or general welfare on any lands to be subdivided affected by such characteristics.

The Council may approve subdivision of such land upon receipt of written evidence from the Town Engineer, the County Flood Control District and State and County Health Authorities that the construction of specific improvements can be expected to render the land suitable; thereafter, construction upon such land shall be prohibited until specified improvements have been planned and the construction guaranteed.

- C. Side lot lines shall be substantially at right angles or radial to street lines, except where adverse terrain makes such design impractical.
- D. All lots shall have frontage as required by the appropriate zoning district on a fully dedicated public or private street.
- E. Single family lots on curvilinear streets shall have rear lot lines consisting of a series of straight lines with points of deflection occurring only at the junction of side or rear lot lines unless otherwise approved.
- F. Corner lots may be required to be wider than interior lots to provide for setback requirements.
- G. Single family residential lots extending through the block and having frontage on two (2) parallel local streets is prohibited.
- H. Residential lots shall not be accessible from collector or arterial streets.
- I. Lots with good solar orientation are encouraged.

### Section 12-5-8 Street Naming

New street names shall not duplicate or be similar to those already in existence in, or within three (3) miles of the Town. Where streets are continuations of existing streets, the name of the existing street shall be used. Proposed street names will be reviewed by the Director and must be approved by the Commission and Yavapai County Addressing Division.

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### Section 12-5-9 Easement Planning

- A. Easements for utilities shall be provided as necessary to assure the provision of services to each lot.
  - 1. The developer will provide to the Director written documentation of approval by the utilities with respect to easements.
- B. Drainage easements shall be provided to the satisfaction of the Town Engineer and the County Flood Control District. In no case shall drainage easements be less than twenty feet (20') in width. Such easements shall not necessarily prohibit construction over drainage ways so long as required flows are maintained.
- C. Easements necessary to assure non-motorized access to adjacent public lands may be required to the satisfaction of the Commission. Such easement shall not exceed ten feet (10') in width and shall be located so as to not preclude reasonable development.
- D. Where alleys are provided, a sufficiently sized refuse container easement may be required as determined by the Director.
- E. Increased right-of-way widths and slope easements may be required by the Town Engineer if drainage calculations show the need.

### Section 12-5-10 Condominium Development-Air Rights Planning

- A. The processing of subdivision plats for condominium developments shall follow procedures set forth in these Regulations for the processing of land subdivision plats.
- B. In addition to the requirements of the above, all plats for condominium subdivisions shall include:
  - 1. All building locations.
  - 2. All private access ways, driveways and parking areas.
  - 3. Designation of all commonly-owned property, including that within buildings.
- C. Final Plats for condominiums shall be recorded prior to the issuance of a building permit.
- D. Preliminary Plats for the conversion of conventional apartments to condominiums shall show:
  - 1. Firewall construction, if required by the Director or the Commission.

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2. Additional parking, if required by the Director or the Commission.
3. Additional open space, if required by the Director or the Commission.
4. Location of individual utilities lines and meters, if needed.

### Section 12-5-11 Roadway Standards for Minor Subdivisions

The following roadway standards shall be used in the consideration of Minor Subdivisions. In all other respects the Design Principles will be the same as for any other roadway within a subdivision.

Between 2 and 3 lots -	Private Street Standard expanded to include a twenty-five foot (25') right-of-way.
From 4 to 6 lots -	Rural Lane Standard
From 7 to 10 lots -	Rural Local Standard

Roadways required as outlined above shall be provided along the entire frontage of the lots being created and must be provided with required right-of-ways that are dedicated and constructed in accordance with the provisions of the Subdivision Regulations following the approval of Council of the Final Plat and prior to the issuance of any building permits for the lots. Each of the deeds created for the resulting lots must carry a notation pointing out the responsibility of the property owner to improve the roadway to the required standard prior to issuance of building permit. All new roadways to be dedicated to the Town must be constructed to the minimum requirements as approved by the Town Engineer and Public Works Director.

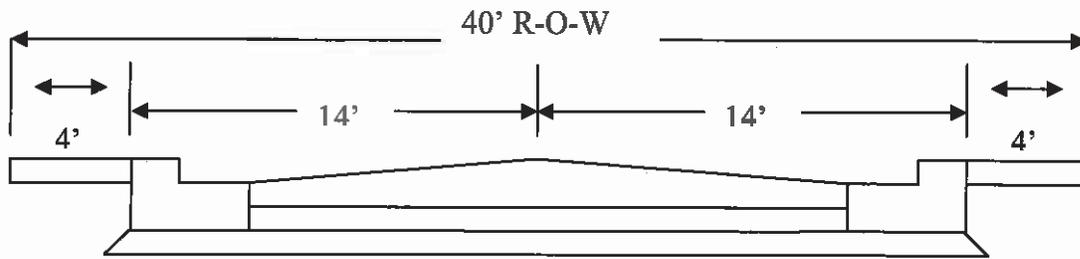
Any lots created that would have their frontage on what is indicated in the General Plan of the Town of Clarkdale (as it may be amended) as existing or proposed Collector or Arterial streets shall provide the minimum right-of-way for that street type.

All street right-of-ways shall also include an adjacent minimum eight foot (8') Public Utility Easement, on one (1) side, the entire length of the street segment.

CHAPTER 12 SUBDIVISION REGULATIONS

Exhibit A

Residential Collector



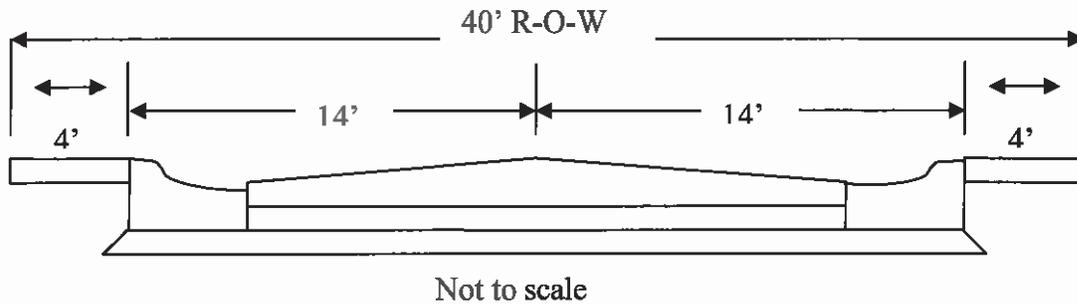
Not to scale

<b>R-O-W Width</b>	40 feet
<b>Improved Roadway</b>	28 feet Back of Curb/Back of Curb
<b>Surface</b>	2 inches asphalt with 6 inches Base or 3 inches asphalt with 4 inches Base
<b>Base</b>	ABC
<b>Subgrade</b>	6 inches minimum
<b>Curb/gutter</b>	6 inches vertical
<b>Shoulders</b>	None
<b>Ditches</b>	None
<b>Maximum ADT</b>	3,000
<b>Sidewalk</b>	4 feet Minimum
<b>Crown</b>	2% Minimum
<b>Grade</b>	7% Maximum

CHAPTER 12 SUBDIVISION REGULATIONS

Exhibit B

Residential Local

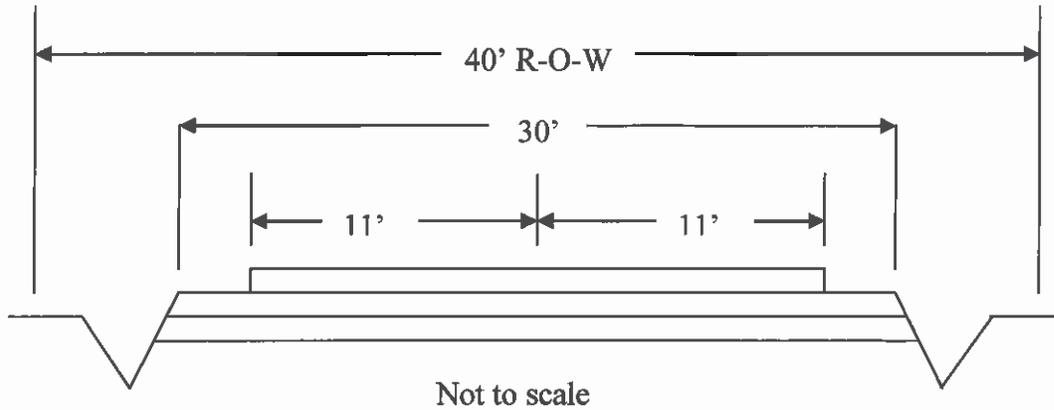


<b>R-O-W Width</b>	40 feet
<b>Improved Roadway</b>	28 feet Back of Curb/Back of Curb
<b>Surface</b>	2 inches asphalt with 6 inches Base or 3 inches asphalt with 4 inches Base
<b>Base</b>	ABC
<b>Subgrade</b>	6 inches minimum
<b>Curb/gutter</b>	Rolled Curb
<b>Shoulders</b>	None
<b>Ditches</b>	None
<b>Maximum ADT</b>	500
<b>Sidewalk</b>	4 feet Minimum
<b>Crown</b>	2% Minimum
<b>Grade</b>	10% Maximum

CHAPTER 12 SUBDIVISION REGULATIONS

Exhibit C

Rural Collector

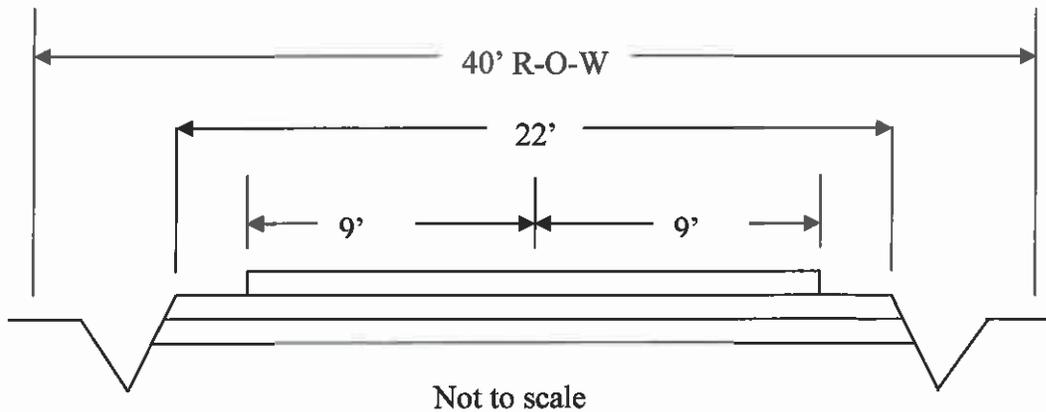


<b>R-O-W Width</b>	40 feet
<b>Improved Roadway</b>	22 feet Edge of pavement/Edge of pavement
<b>Surface</b>	2 inches asphalt with 6 inches Base or 3 inches asphalt with 4 inches Base
<b>Base</b>	ABC
<b>Subgrade</b>	6 inches minimum
<b>Curb/gutter</b>	None
<b>Shoulders</b>	4 inches graded
<b>Ditches</b>	1.5:1 Maximum Slope, Minimum depth to be determined by grading plan and approved by the Town Engineer
<b>Maximum ADT</b>	3,000
<b>Sidewalk</b>	None
<b>Crown</b>	2% Minimum (not indicated on example)
<b>Grade</b>	7% Maximum

CHAPTER 12 SUBDIVISION REGULATIONS

Exhibit D

Rural Local

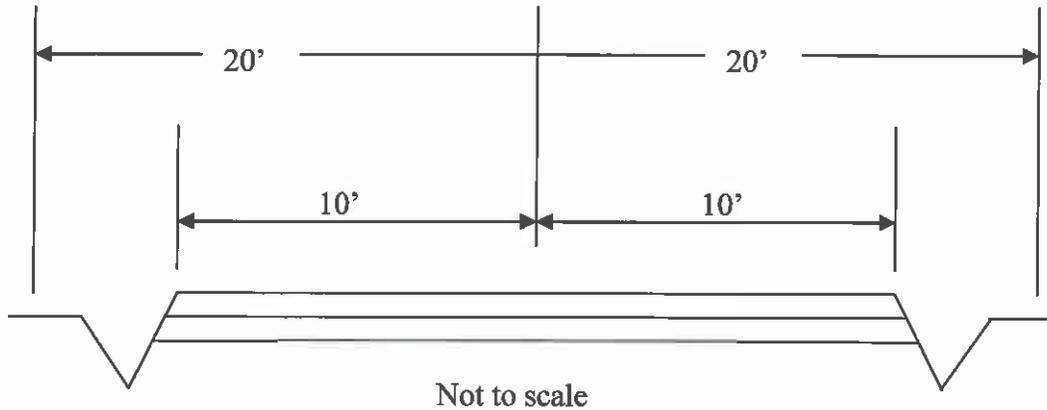


<b>R-O-W Width</b>	40 feet
<b>Improved Roadway</b>	18 feet Edge of pavement/Edge of pavement
<b>Surface</b>	2 inches asphalt with 6 inches Base or 3 inches asphalt with 4 inches Base
<b>Base</b>	ABC
<b>Subgrade</b>	6 inches minimum
<b>Curb/gutter</b>	No
<b>Shoulders</b>	2 feet graded
<b>Ditches</b>	1.5:1 Maximum Slope, Minimum depth to be determined by grading plan and approved by the Town Engineer
<b>Maximum ADT</b>	500
<b>Sidewalk</b>	No
<b>Crown</b>	2% Minimum (not indicated on example)
<b>Grade</b>	10% Maximum

CHAPTER 12 SUBDIVISION REGULATIONS

Exhibit E

Rural Lane

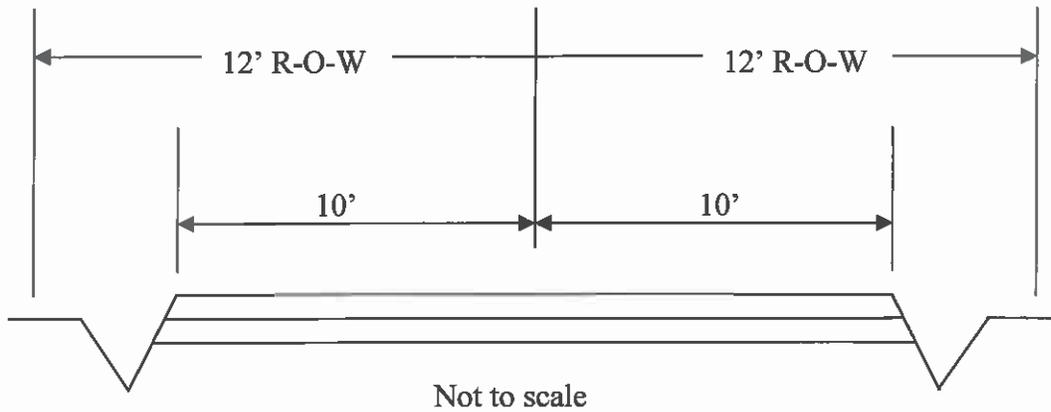


<b>R-O-W Width</b>	40 feet
<b>Improved Roadway</b>	20 feet Edge of ABC/Edge of ABC
<b>Surface</b>	4 inches ABC
<b>Subgrade</b>	6 inches minimum
<b>Curb/gutter</b>	No
<b>Shoulders</b>	None
<b>Ditches</b>	Yes - 1.5:1 Maximum Slope, Minimum depth to be determined by grading plan and approved by the Town Engineer
<b>Maximum ADT</b>	250
<b>Sidewalk</b>	None
<b>Crown</b>	2% Minimum (not indicated on example)
<b>Grade</b>	12% Maximum

**CHAPTER 12 SUBDIVISION REGULATIONS**

**Exhibit F**

**Private Street**



<b>Easement Width</b>	24 feet unless the street is designated on the general plan as requiring additional width
<b>Improved Roadway</b>	20 feet minimum between ditches
<b>Surface</b>	4 inches compacted ABC
<b>Subgrade</b>	6 inches. Town Engineer may amend the requirement for new subgrade if the grading report substantiates that adequate subgrade currently exists
<b>Curb/gutter</b>	No
<b>Shoulders</b>	None
<b>Ditches</b>	Yes - 1.5:1 Maximum slope, minimum depth to be determined by grading plan and approved by the Town Engineer
<b>Maximum ADT</b>	N/A
<b>Sidewalk</b>	None
<b>Crown</b>	2% Minimum (not indicated on example)
<b>Grade</b>	12% Maximum
<b>Utility Easement</b>	8 feet minimum on at least one side unless 8 feet on both sides is required by utility companies

## CHAPTER 12 SUBDIVISION REGULATIONS

### Article 12-6 PUBLIC IMPROVEMENT STANDARDS

#### Section 12-6-1 Purpose

- A. It is the purpose of this article to establish in outline the minimum acceptable standards for improvement of streets and utilities, to define the responsibility of the subdivider in planning, constructing and financing improvements and to establish procedures for review and approval of engineering plans.
- B. All improvements in streets or easements which are required as a condition to plat approval shall be the responsibility of the subdivider.

#### Section 12-6-2 Improvement Plans

- A. A complete set of engineering plans for all construction of all required improvements shall be prepared by an engineer registered in Arizona. Such plans shall be based on those approved during the Preliminary Plat and the Technical Review stages.
- B. Final construction plans for all improvements shall be approved and signed by the Town Engineer prior to the approval of the Final Plat.

#### Section 12-6-3 Construction and Inspection

- A. All improvements, whether public or private, shall be constructed to the latest the latest standards and specifications adopted by the Town. B. All improvements in the public right-of-way shall be constructed under the inspection and approval of the Town Engineer and/or the Public Works Director. Construction shall not commence until a permit has been issued for such construction. Work shall not be discontinued or suspended unless first approved by the Town & it shall not resume prior to notification and approval of the Town.
- C. All underground utilities to be installed in the street shall be constructed prior to the surfacing of such street.
- D. All relocations and reconstruction of irrigation facilities shall be done to standards of the owning utility and the Town Engineer.
- E. Improvements proposed or required on County or State highway right-of-way shall be included in the improvement plans and designed to the applicable County or State standards. Prior to approval by the Town Engineer, the subdivider shall acquire the approval of such improvements by the applicable County or State authorities, as directed by the Town Engineer.

## CHAPTER 12 SUBDIVISION REGULATIONS

- F. Underground utilities may be extended and easements shall be required to the boundaries of the plat to provide service connections to abutting unsubdivided land.

### Section 12-6-4 Required Improvements

A. Streets:

1. All streets and alleys, both public and private, within the subdivision, including perimeter streets or half-streets, shall be improved in accordance with **Article 12-5** of these Regulations.
2. Where there are existing streets adjacent to the subdivision, subdivision streets shall be improved to the intercepting paving line of existing streets.
3. Dead-end streets serving more than four (4) lots shall be provided with an improved temporary turning circle.
4. When a major collector or arterial street is included, or is a perimeter street, the Town may pay for such extra width paving as seemed appropriate by the Town.

- B. Where curbs and/or sidewalks are required, they shall be paved with portland cement to the latest MAG standards or the latest standards and specifications of the Town Code, if the Town Code is more restrictive.

C. Water:

1. All lots will be supplied with public or private piped water unless the lots are larger than seventy thousand (70,000) square feet in area. Supplied water shall be of sufficient volume and at a minimum pressure of twenty pounds per square inch (20 PSI) for domestic use and fire protection. All lines shall be designed to the standards of Arizona Department of Environmental Quality (ADEQ).
2. If water is supplied by a public or private water company, the minimum service connection shall be three-quarter inch (3/4") to each lot.
3. If water is supplied by a public or private water company, then fire hydrants shall be installed in the subdivision at locations and to grades approved by the Water Company, Town Engineer and the Fire Department, and in conformance with Town and Uniform Fire Code Standards.

## CHAPTER 12 SUBDIVISION REGULATIONS

4. If water service is not available from a public or private water company then a statement of water adequacy from the Arizona Department of Water Resources will be required.

### D. Sewers:

1. If the subdivision is within twenty-five feet (25') per lot (i.e. 250 feet for 10 lots, 1,250 feet for 50 lots) of an available sanitary sewer then, each lot shall be supplied with connection to such sewer with lines designed to Town, County, and State standards.
2. If connection to a public sewer system is not required, the Town shall require the installation of capped sewer mains, if the average subdivision lot is less than two (2) acres in area. For the first three (3) years, after approval of the Final Plat, all Sewer Development Fees collected by the Town for building on lots in the approved subdivision, shall be rebated to the Subdivider, or his/her successors. The boundaries of areas exempt from the Wastewater Development Fee may be changed by action of Council based on the impact of a development.
3. If the Council accepts from the subdivider the dedication of approved wastewater facilities, the Wastewater Development Fee shall be reimbursed to the subdivider at the time building permits are issued for each lot.
4. When connection to a sanitary sewer system is not available, septic tanks or other disposal systems may be permitted provided that a statement is submitted from the County Health Department certifying that field investigation has determined that ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and size as depicted on the subdivision plan.

E. Gas service may be furnished according to current available supplies as determined by the franchise supplier.

### F. Utilities:

1. New utilities including, but not limited to electric, internet fiber optics, communication and television cable shall be installed underground.
2. When overhead utility lines exist within the property being platted, including boundary easements, said existing overhead utility lines and the new installations within the platted area shall be placed underground.

## **CHAPTER 12 SUBDIVISION REGULATIONS**

3. When overhead utility lines exist on the boundary 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.
  4. Electric lines greater than three thousand Kilovolt Amps (3,000 KVA) capacity shall be exempt from being placed underground.
  5. Exception may be granted if the Commission recommends that due to soil or other natural features is impractical to place the utility underground.
  6. Design of all underground utilities shall be coordinated to prevent issues and/or conflicts.
  7. The subdivider shall make the necessary arrangements with each of the serving utility companies involved for the installation of the underground facilities. Letters from each utility company indicating that such arrangements have been made shall be submitted to the Director prior to submittal of the Final Plat.
- G. Storm Drainage and Detention:
1. The subdivider shall make provisions for the disposal of storm water entering, as well as initiated in the subdivision, in accordance with plans approved by the Yavapai County Flood Control District and the Town Engineer.
  2. The hydrologic function of existing major water courses shall be protected.
  3. Complete hydrology and hydraulic design computations and a Phase III County Flood Control Report shall accompany the plans and shall be approved by the Town Engineer before recordation of the Final Plat.
  4. Increases in on-site storm runoff due to development shall be addressed in the hydrologic/hydraulic analysis and shall meet the criteria set forth in the most recent Yavapai County Flood Control District Reference Storm Water Detention Material.
  5. Once constructed and approved by the Town, the drainage and detention facilities shall not be modified unless such modification is approved by the Town Engineer.

## CHAPTER 12 SUBDIVISION REGULATIONS

- H. Street lights shall be required and installed in accordance with Town Standards. Installation, or partial installation in residential and industrial subdivisions, may be waived by the Council. Solar street light designs are encouraged and may be required.
- I. Street Name and Traffic Control Signs:
1. All streets in a subdivision shall be named and identified by signs installed at every street intersection.
  2. Traffic control devices shall be installed as recommended by the Town Police Department.
  3. All signs and devices shall be standard as indicated by Town policy and as approved by the Public Works Director.
- J. Monuments:
1. Permanent monuments shall be installed as approved by the Town Engineer, at all corners, angle points, points of curve and at all street intersections for streets within and around the perimeter of the subdivision and at such other locations as determined by the Town Engineer.
  2. A permanent marker acceptable to the Town Engineer 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.
  3. After all monuments have been installed, a registered land surveyor shall check the location of the monuments and certify their accuracy.
- K. Appropriate buffering may be required to separate residential lots from arterial and collector streets if said residential lots back to said streets.
- L. Landscaping or retaining walls may be required by the Town Engineer to prevent erosion on areas of cut or fill.
- M. As a condition of Final Plat approval the Commission and Council may require a subdivider to pay a pro rata share of the cost, or agree to install the necessary street, sewerage, drainage and other improvements, including land and easements, located off-site of the property limits of the subdivision but necessitated or required by the development. "Necessary" improvements are those reasonably related to the proposed subdivision. The Commission and Council shall provide in its resolution of Preliminary Plat approval the basis of the required improvements. The capacity and design of proposed improvements shall be based

## CHAPTER 12 SUBDIVISION REGULATIONS

upon the recommendations of the Town Engineer, the Yavapai County Flood Control District, the Arizona Department of Transportation (ADOT), and the adopted Town Circulation Plan, Sewer Plan, Drainage Plan, General Plan or other adopted improvement plans. At the discretion of the Council, pro rata funds may be deposited into an escrow account for future construction if it is deemed by the Council that it is in the interest of the Town to delay construction of said improvements. In no case shall the delay be more than six (6) years and in the case that the Town elects to not construct the improvements within six (6) years, the funds will be returned to the subdivider with interest paid at the same rate of interest that the Town received on the funds.

- N. Upon completion of development, the subdivider's engineer of record shall provide and certify a set of "as-built" construction plans to the Town Engineer, stating that all required improvements have been completed in substantial conformance to the specifications and standards contained in or referred to herein.

### Article 12-7 GOLF COURSE WATER USE REGULATIONS

#### Section 12-7-1 Standards for Golf Course Developments

- A. Purpose: To ensure that every golf course be developed and managed with consideration for the unique conditions of the ecosystem of which it is a part, and specifically to ensure that no depletions to the aquifer occur from the irrigation of golf courses, and to encourage the use or reuse of effluent.
- B. General Requirements: The following requirements shall apply to the development and processing of golf courses in conjunction with a Planned Area Development proposal or any other golf course development:
  - 1. Applicant will be required to submit plans that demonstrate that the proposed project meets the standards set by the Arizona Department of Water Resource for golf courses in the Active Management Areas including limiting water usage to no more than five (5 ) irrigated acres per hole times the turf water allotment presented in the water allotment table in Section 12-7-4.
  - 2. Applicant to obtain a report of physical availability of water from the Arizona Department of Water Resources demonstrating an adequate water supply for the entire development including the golf course prior to recording the Final Plan/Final Site Plan and prior to construction of the golf course.

## CHAPTER 12 SUBDIVISION REGULATIONS

3. Applicant to demonstrate that the proposed development will be of an appropriate size and scale and reasonable or appropriate for a given area to generate sufficient effluent or re-use water to meet the entire irrigation needs of the golf course or demonstrate that an alternative supply of effluent or other renewable source of water will be available.
4. Applicant will be required to submit a water balance study to demonstrate that sufficient water supply other than groundwater will be available for use on the golf course. The format and standard assumptions and criteria will be used as a guide to complete the water balance study. These format and standard assumptions and criteria are attached in Section 12-78-4.
5. Applicant will be required to conduct a monitoring program as it pertains to surface water and groundwater quality and quantity. The monitoring program will be developed in concert with the appropriate approval authorities.
6. Applicant will be required to conduct monitoring program as it pertains to the performance of the wastewater treatment plant including effluent discharge quality and quantity for review and approval by the Community Development Department and Building staff or other appropriate agencies.

### Section 12-7-2 Design and Construction Standards

- A. Applicant will be required to submit plans demonstrating that the golf course is designed, constructed and maintained in accordance with environmental practices as set out in Environmental Principles for Golf Courses in the United States or United States Golf Association guidelines or similar and which meet the following conditions:
  1. Emphasis shall be placed upon the design of irrigation, drainage and retention systems that provide for the efficient use of water. Drainage and storm water retention systems should be incorporated to help provide for both the short and long term irrigation needs of the maintained turf and the un-maintained areas of the course. Storm water retention systems may require an appropriate surface water right from the Arizona Department of Water Resources.
  2. The course shall be designed with sustainable maintenance in mind. The design shall incorporate resource conservation strategies that are environmentally responsible, efficient and cost effective.

### Section 12-7-3 Construction Documents

## CHAPTER 12 SUBDIVISION REGULATIONS

Conceptual grading, drainage, irrigation, clearing and landscaping plans will be required as part of the Final Site Plan application and in conjunction with a development plan. Plans must have sufficient detail to demonstrate that the design, construction and maintenance will incorporate environmental principles and meet the intent of the water use standards for golf courses specified in this document.

### Section 12-7-4 Water Balance Study

The applicant shall conduct a water balance study to demonstrate that the development has a sufficient supply of water other than groundwater to meet the water requirements of the golf course. The water balance demonstration criteria are listed in **Section 12-7-4 paragraphs A-F**.

- A. Water Allotments-five (5) irrigated acres per hole is the maximum acreage allotment, except when considering a previous water right allotment for surface water rights. The allotments presented in the table are for purposes of calculating the water balance for the facility and assume a seventy-five percent (75%) efficient irrigation system. If the applicant cannot meet the water requirements of a typical golf course with effluent, consideration will be given for a demonstration of reduced water use (for example, reducing the area irrigated).

#### Water Allotments for Turf Facilities

<u>Type of Use</u>	<u>Water Allotment Facilities at 4,000 to 5,500 feet above MSL (ac-ft/acre)</u>	<u>Water Allotment Facilities at 3,000 and up to 4,000 feet above MSL (ac-ft/acre)</u>
<u>Turf</u>	<u>4.9</u>	<u>5.2</u>
<u>New Turf (1<sup>st</sup> year)</u>	<u>5.9</u>	<u>6.2</u>
<u>Artificial Lakes</u>	<u>5.5</u>	<u>5.8</u>
<u>Low Water Use Landscaping</u>	<u>1.5</u>	<u>1.5</u>

- B. Leaching Requirement-Turf may require the occasional leaching of salts from the root zone. Although treated effluent may not be as efficient as groundwater, even low quality water can be appropriately used for leaching. If the applicant believes that a leaching allotment is necessary, the applicant will have to demonstrate that a sufficient amount of renewable water supply. The standard equation utilizing electrical conductivity of the water shall be used to compute the leaching requirement.

## CHAPTER 12 SUBDIVISION REGULATIONS

Additional Leaching =  $(1/(1-(EC_w/(5EC_e-EC_w))))-1)*CU/.75$   
 Allotment

Where:  $EC_w$  = Electrical Conductivity of the water used  
 $EC_e$  = Tolerance of the crop to soil salinity in electrical conductivity of the soil saturation extract (millimhos per centimeter)  
 $CU$  = Consumptive use of the crop

- C. Effective Precipitation - Precipitation that is effective in offsetting the irrigation water demands is included in the water allotments in the table above. Consideration will be given if the applicant can demonstrate an additional amount of precipitation is effective in offsetting irrigation demands.
- D. Additional Precipitation Allowance - If the applicant plans to capture additional runoff or off-site precipitation for use on the golf course, the applicant shall demonstrate adequate storage capacity, probability and volume of the captured water, and legal right to conduct the capture activity.
- E. Effluent Production - The standard water requirements of a new housing development shall be computed according to the standard water use rates specified in the Prescott AMA Third Management Plan. Only the interior water use requirements (interior gallons per capita-day) will be considered to be a contribution to the effluent re-use system. Outside water use will be considered lost and non-recoverable. An average value of 2.5 persons per household will be the standard housing unit occupancy level. Consideration will be given if the applicant has good evidence that the development water use and effluent capture rates are different from the values presented.

<u>Type of Residential Unit</u>	<u>Interior Gallons per Capita-day</u>	<u>Average Persons per Housing Unit</u>	<u>Exterior use (Gallons per Housing Unit per Day)</u>	<u>Total Water Use per Housing Unit (Gallons per Day)</u>
<u>Single Family Homes</u>	<u>57</u>	<u>2.5</u>	<u>75</u>	<u>217.5</u>
<u>Town Homes</u>	<u>57</u>	<u>2.5</u>	<u>58</u>	<u>200.5</u>

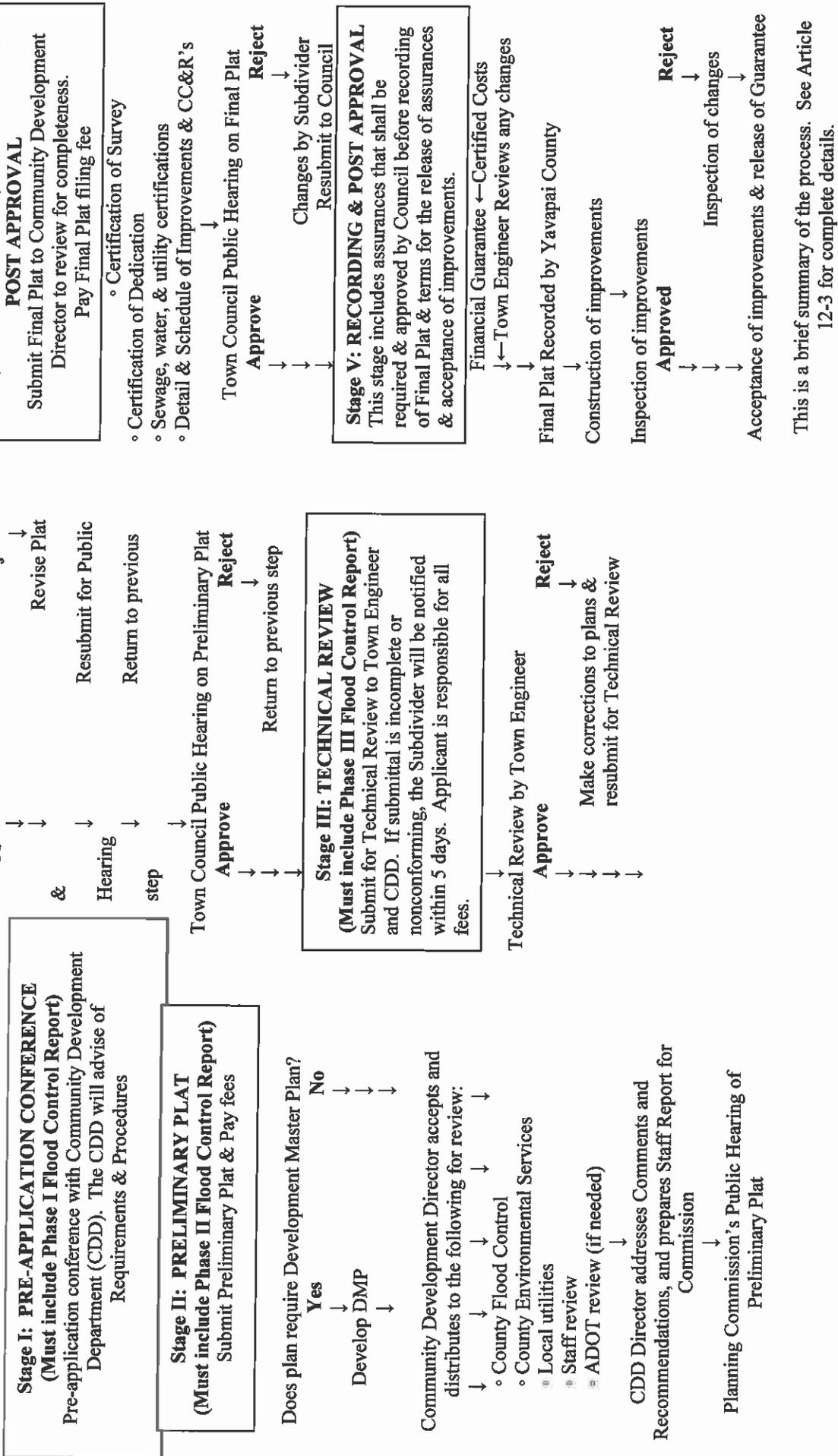
## CHAPTER 12 SUBDIVISION REGULATIONS

- F. Seasonal fluctuations-Typical golf course water requirements have a peak water use period during the hot-dry part of the summer that is much greater than the average annual water use. However, effluent production does not typically match this high peak. The applicant should demonstrate that available effluent is sufficient to meet the summer peak water use requirements of the golf course (approximately 1 acre-foot/acre during the one month period from June 15-July 15, or 3 acre-feet/day for a 90 acre golf course).

**CHAPTER 12 SUBDIVISION REGULATIONS**

**Figure 1A**

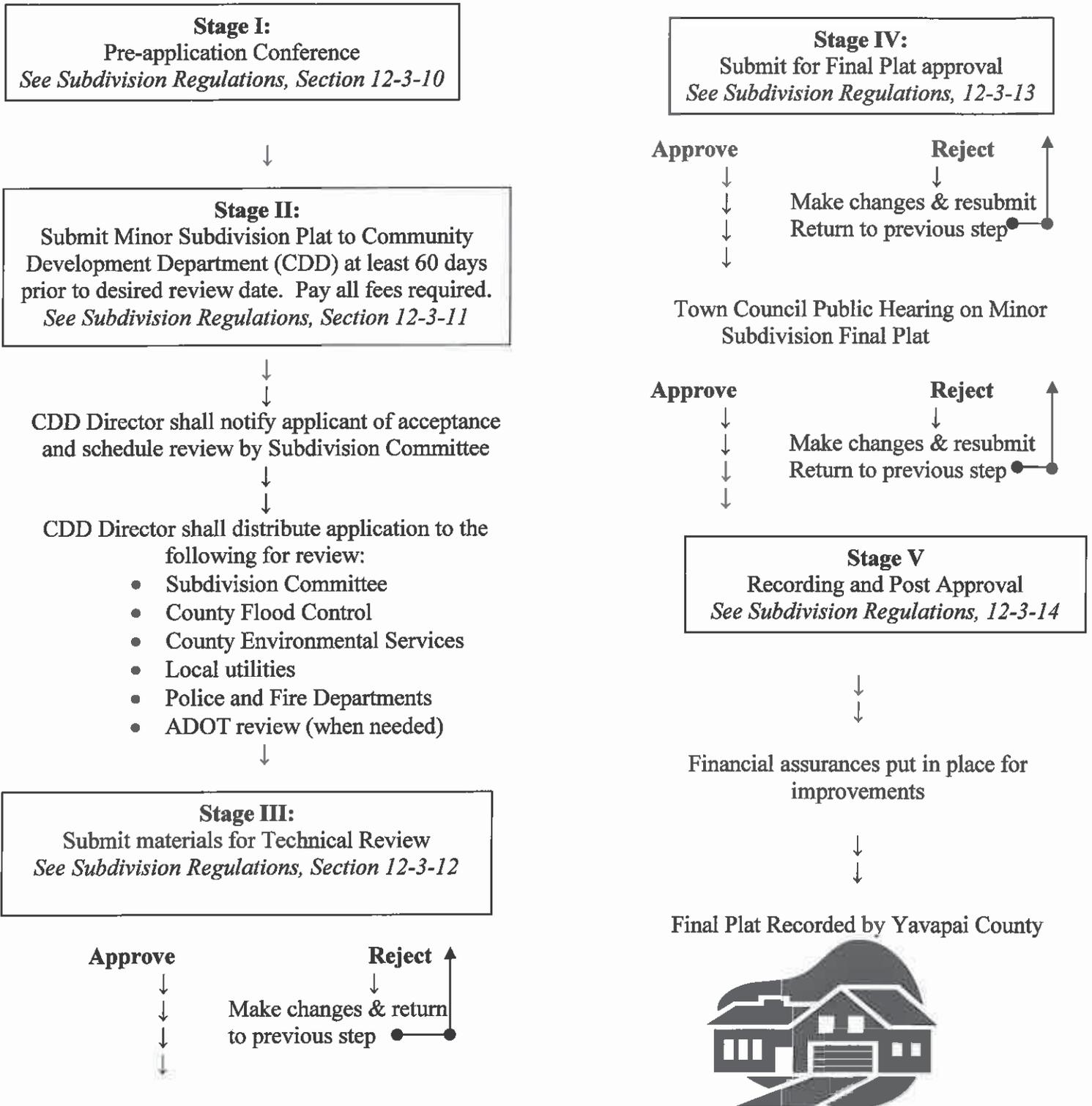
**The Subdivision Process**



**CHAPTER 12 SUBDIVISION REGULATIONS**

**Figure 1B**

**Minor Subdivision Process**



CHAPTER 12 SUBDIVISION REGULATIONS

**Figure 2**  
**TRIP GENERATION RATES BY LAND USE CATEGORIES**

<b>Land Use Type</b>	<b>Average Weekday Trip Generation Rates</b>	
<b>Residential</b>	<b>Per dwelling unit</b>	
Single Family Detached		10.1
Condominium		5.9
Apartment		6.6
Mobile Home Park		4.8
<b>Office Building</b>	<b>Per 1,000 square foot of Building</b>	
General Office Building:		
10 M square feet		24.4
50 M square feet		16.3
100 M square feet		13.7
200 M square feet		11.5
500 M square feet		9.2
Medical Office Building		34.2
Office Park		11.4
Research Center		6.1
<b>Retail</b>	<b>Per 1,000 square foot of Building</b>	
Specialty Retail		40.7
Discount Store		71.2
Shopping Center:		
10 M square feet		166.4
50 M square feet		94.7
100 M square feet		74.3
200 M square feet		58.9
500 M square feet		39.9
1000 M square feet		33.4
<b>Industrial</b>	<b>Per 1,000 square feet of Building</b>	
Light Industrial		7.0
Heavy Industrial		1.5
Industrial Park		7.0
Manufacturing		3.9
Warehouse		4.9
Mini-Warehouse		2.6
<b>Lodging</b>	<b>Per Room</b>	
Motel		10.2

Trip rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

CHAPTER 12 SUBDIVISION REGULATIONS

Figure 3  
STREET CLASSIFICATION AND MINIMUM DESIGN STANDARDS

Street Class	Street Category	Travel Lane Width	Parking Lane Width	Total Cartway Width	Curb or Shoulder	Graded Areas or Sidewalk	Surface	ROW/ Easement Width	Maximum Avg. Daily Traffic (ADT)	Design Speed MPH
I	Arterial	12'	None	60'	Vertical	Sidewalk		76'	3,000+	55
II	Industrial	12'	12'	48'	Rolled	Graded		64'	3,000	40
III	Commercial	12'	8'	40'	Vertical	Sidewalk		60'	3,000	40
IV	Residential Collector	12'	None	24'	Vertical	Sidewalk	2" w/6" base 3"w/4" base	40'	3,000	40
V	Residential Local	12'	One side only	24'	Rolled	Sidewalk	2" w/6" base 3"w/4" base	40'	500	25
VI	Rural Collector*	11'	None	22'	4' Shoulder Ditch****	Graded	2" w/6" base 3"w/4" base	40'	3,000	40
VII	Rural Local*	9'	None	18'	2' Shoulder Ditch****	Graded	2" w/6" base 3"w/4" base	40'	500	25
VIII	Rural Lane	10'	None	20'	None/Ditch****	Graded	4" ABC w/6" Subgrade	40'	250	25
IX	Alley	10'	None	20'	None	None	4" ABC	20'	500	10
X	Private Street	10'	None	20'	None/Ditch****	None	4" ABC w/6" Subgrade**	24'****		

\* Rural street standards may be used only in residential areas developed with minimum lot sizes of 20,000 square feet.

\*\* Town Engineer may waive the requirement for improved subgrade if adequate subgrade exists

\*\*\* A minimum 8' utility easement is required along only one side of a private street unless the utility companies request an 8' easement along both sides

\*\*\*\* Depth of the required ditch shall be determined by the Town Engineer upon review and approval of the required grading plans.

CHAPTER 12 SUBDIVISION REGULATIONS

Figure 4  
STREET CURVE AND DESIGN DATA

Street Class	Cartway	R-O-W	Radius	Length	Reverse Curb Tangent*	Intersection Tangent**	Minimum Corner Radius	Maximum Grade	Minimum Sight Distance
I	60 feet	76 feet	1,400 feet	500 feet	500 feet	475 feet	30 feet	***	770 feet
II	48 feet	64 feet	800 feet	300 feet	200 feet	300 feet	25 feet	7%	560 feet
III	40 feet	60 feet	800 feet	300 feet	200 feet	300 feet	25 feet	7%	560 feet
IV	24 feet	40 feet	800 feet	300 feet	200 feet	300 feet	25 feet	7%	560 feet
V	24 feet	40 feet	300 feet	100 feet	0 feet	200 feet	25 feet	10%	420 feet
VI	22 feet	40 feet	800 feet	300 feet	200 feet	300 feet	25 feet	7%	560 feet
VII	18 feet	40 feet	300 feet	100 feet	0 feet	200 feet	25 feet	10%	420 feet
VIII	20 feet	40 feet	300 feet	100 feet	0 feet	200 feet	25 feet	12%	350 feet

\* Minimum length of tangent between curves in opposite directions (reverse curves). Reverse curves without tangent sections between curves are not permitted, except on local streets.

\*\* Minimum length of tangent at intersections is measured from the Right-Of Way line of the intersecting street. Tangents approaching an intersection may vary in length with increased design speed.

\*\*\* As determined by the Town Engineer.

## CHAPTER 12 SUBDIVISION REGULATIONS

### Figure 5

#### Town of Clarkdale Roadway Standards for Minor Subdivisions

# of lots in subdivision	Required Road Standard	Required Surface	Minimum ROW
2-3 lots	Private Street Standard expanded to include a twenty-five (25) foot right-of-way	2" w/6" base	25'
4-6 lots	Rural Lane Standard	2" w/6" base	40'
7-10 lots	Rural Local Standard	2" w/6" base	40'

Roadways required as outlined above shall be provided along the entire frontage of the lots being created and must be provided with required right-of-ways that are dedicated and constructed in accordance with the provisions of the Subdivision Regulations following the approval of Council of the Final Plan and prior to the issuance of any building permits for the lots.

All roadways dedicated to the Town must meet adopted Town standards and be approved by the Public Works Director.

Each of the deeds created for the resulting lots must carry a notation pointing out the responsibility of the property owner to improve the roadway to the required standard prior to issuance of building permit.

Any lots created that would have their frontage on what is indicated in the General Plan of the Town of Clarkdale as existing or proposed Collector or Arterial streets, shall provide the minimum right-of-way for that street type.

All street right-of-ways shall also include an adjacent minimum eight (8) foot Public Utility Easement, on one side, the entire length of the street segment.

CHAPTER 12 SUBDIVISION REGULATIONS

**Figure 6**  
**Signature Blocks for Mylars**

<b>Documents that need Signature Blocks</b>	<b>When they will need to be signed</b>	<b>Titles for Signature Blocks</b>
<b>Planned Area Development (PAD)</b> ▪ Preliminary Plat	After Preliminary Plat approval	Mayor ▪ Town Clerk
<b>Planned Area Development (PAD)</b> ▪ Final Plat	After Final Plat approval	▪ Mayor ▪ Town Clerk
<b>Subdivision</b> ▪ Preliminary Plat	After Preliminary Plat approval	▪ Mayor ▪ Town Clerk
<b>Subdivision</b> ▪ Final Plat	After Final Plat approval	▪ Mayor ▪ Town Clerk
<b>Minor Subdivision</b> ▪ Minor Subdivision Plat	After Minor Subdivision Plat approval	▪ Planning Commission Chair ▪ Town Clerk
<b>Minor Subdivision</b> ▪ Final Plat	After Final Plat approval	▪ Mayor ▪ Town Clerk
<b>Minor Land Division</b>	After approval by Community Development Director	▪ Community Development Director
<b>Lot Line Adjustment</b>	After approval by Community Development Director	▪ Community Development Director



