# CHAPTER 10-11. SUBDIVISION AND MINOR LAND DIVISION REGULATIONS

# DIVISION 10-11-001. TITLE AND AUTHORITY

# **10-11-001-0001.** TITLE AND AUTHORITY:

These Regulations shall be known and referred to as the Subdivision and Minor Land Division Regulations for the City of Flagstaff, Arizona, as provided for by A.R.S. Title 9, Chapter 4, Article 6.2.

# DIVISION 10-11-002. PURPOSE AND INTENT

### **10-11-002-0001. PURPOSE AND INTENT:**

- A. The City of Flagstaff, Arizona, is experiencing rapid growth and is concerned that this growth constitutes balanced development which reflects proper consideration of the range of economic, environmental, fiscal, social, and other issues. The subdivision of land impacts on all of these issues. The subdivision regulations should reflect policies developed by the City in its General Plan, since sale of subdivided land will influence the need for expanded public services, including transportation, education, water, and sewer.
  - If Flagstaff is to preserve the very features which make it a beautiful place to live, then the subdivision of land should be sensitive to Flagstaff's steep slopes, pine forests, floodplain configuration, and availability and quality of water.
- B. These Regulations accommodate growth by considering the need for services generated by subdivisions along with public ability to provide and/or private willingness to contribute to the costs of these services. They address consideration of environmental impacts of subdivision, with opportunities for mitigation of these impacts by subdividers. Finally, they seek to accommodate the demand for affordable housing with the right of all citizens to a safe community without the hazards of flooding, erosion, contamination, and other blight.
- C. The purpose of these Regulations is to provide for the orderly growth and harmonious development of the City; to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to 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 logical procedures for the achievement of this purpose.
- D. These Regulations establish the minimum requirements to protect public health, safety, or welfare in the subdivision of land. The purposes of regulating land subdivision are to assure future buyers of land that the subdivider owns the land proposed to be sold, provides access to each property, and constructs and provides for maintenance of improvements, utilities, and amenities; to apportion the costs of public services and facilities serving subdivision residents through payment of fees, provision of facilities, and dedication of land and rights-of-way to the City in order to ensure that new development pays its way and does not burden the City's fiscal resources; to insure that proposed sites are appropriate for development; and to obtain accurate surveying and permanent public record of the separate interests created and conveyed by subdivision.

# DIVISION 10-11-003. APPLICABILITY

### 10-11-003-0001. GENERAL APPLICABILITY:

- A. The City shall not approve a final plat of a subdivision unless it conforms to the provisions of this Chapter.
- B. No person shall sell or commence any development or construction upon any portion of a proposed subdivision until a plat thereof is recorded.
- C. "Subdivision", as used in this Chapter, means 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, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominiums, 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, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided. All subdivisions are also developments. (Ord. 2000-08, 6/6/00)
- D. The provisions of this Chapter apply to all divisions of land except the following:
  - 1. The division of improved or unimproved land or lands for the purpose of financing, sale, or lease, whether immediate or future, into two (2) or three (3) lots, tracts, or parcels of land, and when a new street is involved, which shall be governed by "Minor Land Division" Division 10-11-013, provided such Minor Land Division meets the criteria listed in Section 10-10-003-0005, Amendments to Development Approvals. (Ord. 1997, 6-15-99) (Ord. 2002-15, 11-05-02)
  - 2. The division of improved or unimproved land or lands for the purpose of financing, sale, or lease, whether immediate or future, into two (2) or three (3) parts when the boundaries of such property have been fixed by a recorded plat, which shall be governed by "Minor Land Divisions", Division 10-11-013. (Ord. 1997, 6-15-99)
  - 3. The division of improved or unimproved land whose total area prior to the division is two and one-half (2 1/2) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease, which "land split" will be governed by "Minor Land Division", Division 10-11-013. (Ord. 2002-15, 11-05-02)
  - 4. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
  - 5. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
  - 6. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor to mineral, oil, or gas leases. (Ord. 1997, 6-15-99)
  - 7. Any division of land to heirs through a judicial estate proceeding.
  - 8. Any division of land pursuant to a judicial partition.
  - 9. Any division of land that creates a cemetery lot.
  - 10. Any division of land occurring from the foreclosure of a deed of trust.

### 10-11-003-0002. APPLICABILITY OF OTHER STATUTES:

The subdivision of land in the City of Flagstaff is subject to the requirements and procedures of A.R.S. Title 32 concerning the sale of lands, and Title 33 concerning condominiums. (Ord. 1997, 6-15-99)

### 10-11-003-0003. RESERVATION OF PUBLIC LAND:

The City may reserve land within a proposed subdivision for parks, recreational facilities, open space, school sites, and fire stations, subject to the following conditions:

- A. The requirements may only be made upon preliminary plats filed at least thirty (30) days after adoption of a general or specific plan affecting the land area to be reserved. (Ord. 2007-44, 12-04-2007)
- B. The required reservations are in accordance with definite principles and standards adopted by the legislative body, which standards include the policies for open space set forth in the general plan.
- C. The land reserved shall be in the size and shape as to permit the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.
- D. The land area reserved shall be in such multiples of street land parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.
- E. The City Council shall have a period of one (1) year after recording the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of the filing of the preliminary subdivision plat plus the taxes against such reserved area, from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.
- F. If the City does not exercise the reservation agreement set forth in Subsection E. within such one (1) year period or such extended period as may be mutually agreed upon by the City Council and subdivider, the reservation of such area shall terminate.

# DIVISION 10-11-004. SUBDIVISION PROCEDURES AND REQUIREMENTS

# 10-11-004-0001. SUBDIVISION PROCEDURES AND REQUIREMENTS:

The preparation, submittal, review and approval of all subdivisions located within the City limits shall proceed through the following progressive stages, except when otherwise provided herein:

- A. At a pre-application conference, the subdivider and his engineer may initially present their proposal and meet with the Planning and Engineering Divisions on an informal basis. The subdivider shall present to the Divisions a general outline of his proposal which shall include sketch plans and ideas regarding land use, street and lot arrangement, lot sizes, and conceptual proposals regarding water supply, sewage disposal, grading and drainage, traffic impacts, and street improvements. The Divisions shall advise the subdivider of specific public objectives, standards, and regulations related to the subject property, and details and suggestions regarding subdivision design and improvement standards, and general platting procedures and requirements, and the determination of a need for the preparation of a Development Master Plan. (Ord. 2007-44, 12-04-2007)
- B. Following the pre-application conference with the Planning and Engineering Divisions, the subdivider shall have a conceptual plat prepared which contains that information and data required for conceptual plats as specified in Division 10-11-005. (Ord. 2007-44, 12-04-2007)

# DIVISION 10-11-005. CONCEPTUAL PLAT REVIEW

Note: This entire Division was amended by Ordinance No. 2007-44, 12-04-2007.

### 10-11-005-0001. CONCEPTUAL PLAT REVIEW:

- A. Before beginning the formal preliminary plat submittal and review process, a conceptual plat review meeting shall be scheduled with the Development Review Board. The purpose of this meeting is to provide an opportunity for the applicant to hear any concerns, comments, or requests for additional information from the Planning Division and Development Review Board.
- B. The subdivider shall submit the required number of copies of the conceptual plat together with a completed Development Review Board application to the Planning Division in accordance with the submittal deadlines established by the Planning Director. (Ord. 1741, 3-17-92)
- C. The Development Review Board shall meet with the subdivider and/or his representative to review, discuss, and consider the conceptual plat in regards to specific public objectives and adopted standards and regulations. The Development Review Board shall approve or disapprove the conceptual plat pursuant to the provisions of this Chapter. Following approval by the Development Review Board, the subdivider shall then proceed with the preparation and submittal of the preliminary plat application and/or Development Master Plan in accordance with the procedures and requirements specified in Divisions 10-11-006 and 10-11-007. If the conceptual plat is denied, the subdivider may appeal to the Planning and Zoning Commission. (Ord. 1997, 6-15-99)

### 10-11-005-0002. CONCEPTUAL PLAT SUBMITTAL

- A. The subdivider or an authorized representative shall submit the following materials to the Development Review Board in accordance with the submittal deadlines established by the Planning Director.
  - 1. The required number of copies of the conceptual plat application as determined by the Planning Director.
  - 2. A completed Development Review Board and Conceptual Plat application form. If the subdivider is not the current landowner of all of the subject real property, a signed statement or application shall also be filed attesting that the owner grants to the subdivider authority to represent the owner in this matter. The required number of copies as determined by the Planning Director of the preliminary title report shall be filed with the application.
  - 3. A non-refundable conceptual plat filing fee to compensate the City for the costs of examining and processing the subdivision plat and subsequent field investigations. (See Appendix B, Property Development Review Fee Schedule).
  - 4. Legal description of the subject property.
  - 5. The name of the developer and its engineering and/or surveying firm.
  - 6. A topographic map for the subject property and within 200 feet of the subject property with a minimum two-foot contour, or at such other intervals as approved by the Planning Director.
  - 7. A slope analysis with sufficient data to allow independent verification of the slope analysis. The slope analysis shall indicate by area the following slope categories:

0 - less than 17% 17 - less than 24.9% Greater than 25%

8. A preliminary floodplain and forest canopy location analysis.

- 9. A plan identifying all existing structures (including known heritage resources) on the property to be subdivided and within 200 feet of the subject property, and the conceptual location of proposed structures.
- 10. A map showing generalized land uses in the vicinity of the site.
- 11. A vicinity map, and if applicable, a map showing the portion to be subdivided in relation to the entire tract.
- 12. Locations of all existing streets, utilities, rights-of-ways, easements, structures, streams, floodplains, and other significant physical features within the portion to be subdivided and within 200 feet of the subject property.
- 13. A concept plat showing the proposed configuration, size in acres, number of residential units and/or lots or the area in square feet of proposed nonresidential buildings, and underlying zoning categories for each use. This information should also be included in a summary table on the plat.
- 14. The conceptual plat shall be submitted at a scale of not more than one hundred (100) feet to the inch (1 inch = 100 feet). Conceptual plat plan sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in overall dimensions and shall have a left margin of two (2) inches.
- 15. The conceptual plat shall include the following information regarding the proposed subdivision and surrounding land areas:
  - a. Proposed land uses.
  - Primary access and interior circulation proposals, including vehicular, bicycle and pedestrian ways.
  - c. Tentative proposals regarding solid and sewer waste disposal, storm sewer and electric and gas utility services shall be indicated on the plat or in a companion document.
  - d. Generalized land uses in the vicinity of the site.
  - e. Tentative scoping of traffic impacts.
  - f. Preservation of special scenic locations and view corridors.
  - g. Proposed open space and trails with connectivity to adjoining areas.
- 16. Such other information requested by the Planning Director relevant to the factors covered by this Chapter 10-11.

# DIVISION 10-11-006. DEVELOPMENT MASTER PLANS

# 10-11-006-0001. IN GENERAL:

A Development Master Plan is a comprehensive preliminary master plan for the development of a large or complicated land area, which may be developed in progressive steps or as a planned development. If a Development Master Plan is within the boundaries of an adopted Specific or Area Plan, then such Development Master Plan may not be required, as determined by the Planning Director.

- A. A Development Master Plan may be required as a condition precedent to the review and approval of the preliminary plat or a rezoning request (see Section 10-10-004-0007) when in the opinion of the Planning Director: (Ord. 1997, 6-15-99) (Ord. 2007-44, 12-04-2007)
  - 1. The tract is proposed to be developed in stages, phases or units; or

- 2. The tract proposed for development is part of a larger land area which has unusual topographic, utility, land use, or other conditions. The larger land area may or may not be under the subdivider's control; or
- 3. A planned or cluster development is proposed; or
- 4. The tract initially proposed for platting is only a portion of a larger land holding of the subdivider; or
- 5. The tract is part of a larger tract in two (2) or more zoning districts.
- B. The Development Master Plan shall be prepared to 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 larger land area, and proposed traffic impacts and access plan.
  - 2. General location and size of school sites, parks, or other public areas.
  - 3. Location of proposed land uses.
  - 4. Methods proposed for sewage disposal, water supply and storm drainage, and their general layout.
  - Identification of the proposed phases of development, and the anticipated time frame for such development.
  - 6. General location of all natural resources and/or environmental constraints including but not limited to forests, floodplains, and steep slopes which will be affected by the proposed subdivision.
  - 7. General location of natural resources to be protected in the Development Master Plan.
  - 8. Pedestrian/bicycle circulation system concept.
- C. If the Planning Director determines that a Development Master Plan shall be required, then the Development Master Plan shall be submitted in accordance with the submittal deadlines established by the Planning Director. The Development Review Board shall approve or disapprove the Development Master Plan pursuant to the provisions of this Chapter. If the Development Master Plan is denied by the Board, the subdivider/applicant may appeal to the Planning and Zoning Commission. Following action by the Development Review Board, the Development Master Plan shall be submitted to the Planning and Zoning Commission for their review and approval. If the Development Master Plan is not approved by the Commission, the subdivider may appeal to the City Council. (Ord. 1997, 6-15-99) (Ord. 2007-44, 12-04-2007)
- D. The Development Master Plan shall be submitted as part of the preliminary plat application to the City Planning and Zoning Commission and City Council. If development will take place in several phases, the Development Master Plan shall be submitted as supporting data for each phase. The Development Master Plan shall be kept up to date by the subdivider as modifications take place. (Ord. 2007-44, 12-04-2007)

# DIVISION 10-11-007. PRELIMINARY PLATS

Note: This entire Division was amended by Ordinance No. 2007-44, 12-04-2007.

### 10-11-007-0001. PRELIMINARY SUBMITTAL:

A. The subdivider or an authorized representative shall submit the following materials to the Development Review Board in accordance with the submittal deadlines established by the Planning Director. (Ord. 1997, 6-15-99) (Ord. 2000-08, 6/6/00)

- 1. The required number of copies as determined by the Planning Director of the preliminary plat reproduced in the form of blue or black line prints on a white background.
- 2. Completed Development Review Board and Preliminary Plat application forms. If the subdivider is not the current landowner of all of the subject real property, a signed and notarized statement shall also be filed attesting that the owner grants to the subdivider authority to represent the owner in this matter. The required number of copies as determined by the Planning Director of the preliminary title report shall be filed with the application.
- 3. A non-refundable preliminary plat filing fee to compensate the City for the costs of examining and processing the subdivision plat and subsequent field investigations. (See Appendix B, Property Development Review Fee Schedule). (Ord. 2002-15, 11-05-02)
- 4. Prior to Development Review Board consideration of the preliminary plat, the required number of copies of a Traffic Impact Analysis as determined by the City Traffic Manager shall be submitted for review and approval by the City Traffic Manager. (Ord. 2000-08, 6/6/00)
- 5. Prior to Development Review Board consideration of the preliminary plat, the required number of copies of a preliminary Storm Water Analysis as determined by the Stormwater Manager shall be submitted for review and approval by the Storm Water Manager. (Ord. 2000-08, 6/6/00)
- 6. Prior to Development Review Board approval of the preliminary plat, a request to the City Utilities Department to complete a Water and/or Sewer Impact Analysis shall be submitted. The results and/or findings of the Water and/or Sewer Impact Analysis shall be submitted with the preliminary plat application. (Ord. 2000-08, 6/6/00)
- 7. If the subdivider is not the current landowner of all of the subject real property, a signed statement or application shall also be filed attesting that the owner grants to the subdivider authority to represent the owner in this matter. The required number of copies as determined by the Planning Director of the preliminary title report shall be filed with the application.
- B. All submittals shall be checked by the Planning Division for completeness and assigned a case number. If incomplete according to the requirements set forth in this Chapter, the submittal may be rejected and returned to the subdivider for revision and re-submittal.
- C. Upon approval of the preliminary plat by the Development Review Board, the subdivider or an authorized representative shall submit the following materials to the Planning Division in accordance with the submittal deadlines established by the Planning Director. (Ord. 1997, 6-15-99)
  - 1. The required number of copies as determined by the Planning Director of the preliminary plat reproduced in the form of blue or black line prints on a white background.
  - 2. One (1) eight and one-half by eleven (8.5 x 11) inch reduction of the preliminary plat.
  - 3. A copy of the preliminary plat provided in electronic format in a form determined by the Planning Director.
- D. If preliminary plat approval expires prior to application for final plat approval, the plat shall be resubmitted for preliminary approval as a new case, and the subdivider shall pay the required fee. See Section 10-11-007-0004 for the requirements for extension of a Preliminary Plat approval.

### 10-11-007-0002. PRELIMINARY PLAT REQUIREMENTS:

A. All subdivisions shall be designed to comply with the requirements of the specific zoning district within which it is located. Should a change in zoning be necessary due to the proposed use(s), a rezoning application must be initiated by the property owner or his authorized representative, and then reviewed and acted upon by the Planning and Zoning Commission and City Council prior to action on a plat by the same.

Concurrent applications may be considered, with the requested zoning change being resolved first. (See Chapter 10-10 for Rezoning Procedures)

- B. No lot shall be divided in such a way that any division of such lot shall contain more dwelling units than are permitted by the zoning regulations for which district such lot is situated.
- C. As a prerequisite of preliminary plat review by the Development Review Board and the preliminary plat application, the subdivider shall submit copies of letters written to the following agencies informing them of the intent to subdivide and to learn the general requirements for public utilities and public dedications applicable to their needs:
  - 1. Appropriate public utilities
  - 2. Cable television and communication companies
  - 3. Flagstaff Unified School District
  - 4. U.S.D.A. Soil Conservation Service
  - 5. Coconino County Health Department
  - 6. Arizona Department of Transportation (if the proposed subdivision abuts a state highway)
  - 7. Coconino County Flood Control District
  - 8. Coconino County Community Development Department if the proposed subdivision is adjacent to an unincorporated area.

Written recommendations from the review agencies shall be transmitted to the Planning Division prior to scheduling of the Planning and Zoning Commission's public hearing on the preliminary plat. No preliminary plat shall be scheduled for review by the Planning and Zoning Commission without written responses from the above agencies. (Ord. 1997, 6-15-99)

- D. Any information required as part of the preliminary plat submittal shall be shown graphically, or by note on plans, or by letter, or by combination of these, 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 engineering scale. The preliminary plat shall be drawn to a scale of not more than one hundred (100) feet to the inch (1 inch = 100 feet). Preliminary plat sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in overall dimensions and shall have a left margin of two (2) inches. All plats requiring more than one (1) sheet shall have a cover sheet indicating the entire subdivision and the proposed sections to be found on the corresponding individual pages.
- E. All preliminary plat applications shall contain the following information:
  - 1. Notation of plat as a preliminary plat.
  - 2. Proposed subdivision name and location by section, township, range, meridian and county. (Ord. 1997, 6-15-99)
  - 3. Legal description of property involved and County instrument number. (Ord. 1997, 6-15-99)
  - 4. Name, address, and phone number of subdivider(s).
  - 5. Name, address, and phone number of person or firm preparing the plat.
  - 6. Name, address, and phone number of landowners, and docket/page number or instrument number by which title was conveyed (Warranty Deed, Quit Claim Deed, Purchase Agreement, etc.).

- 7. Bar scale, north arrow oriented to top, right or left of sheet, and dates of preparation and any revisions. (Ord. 1997, 6-15-99)
- 8. Topography by contours sufficient to reflect the character and drainage of land within the subdivision boundaries and two-hundred (200) feet from such boundaries. A two (2) foot contour interval shall be provided. Direction of drainage flow shall be indicated.
- 9. Existing street dedications and lot lines of all adjacent properties. Subdivided properties must be indicated by subdivision name and Coconino County Recorder's Office Case and Map number; if unsubdivided land, property owner and Docket and Page or instrument number shall be noted. (Ord. 1997, 6-15-99)
- 10. Location, dimensions, and names and types of all existing and proposed rights-of-way and easements within the subdivision boundaries and two hundred (200) feet from such boundaries shall be shown on the plat. (Ord. 1997, 6-15-99)
- 11. All existing features, including but not limited to, bridges, buildings, culverts, structures and driveway entrances within the subdivision boundaries and within a distance of two hundred (200) feet from such boundaries. Identify those which are to be removed and those to remain, and the date when any removals shall be completed. All proposed conditions shall be graphically differentiated from existing conditions on adjacent properties and on excepted parcels within the plat. (Ord. 1997, 6-15-99)
- 12. Existing zoning classification(s) within the subdivision boundaries and on abutting properties.
- 13. Note gross acreage of the area being platted, and net acreage if applicable. (Ord. 1997, 6-15-99)
- 14. Boundaries of the platted property to be fully dimensioned. The complete boundary survey shall be based upon field work.
- 15. Proposed street layout shall include street name, widths, alleys, crosswalks, and connections to adjoining tracts and clear view zones. Typical cross sections of all existing and proposed roadways shall be shown. (Ord. 1997, 6-15-99)
- 16. Parcels to be dedicated or reserved for school sites, parks, or other public use are to be indicated as such with intended use.
- 17. Size of each lot, in square feet or acres. (Ord. 1997, 6-15-99)
- 18. Location map with north arrow, scale, site location, and existing points of reference. (Ord. 1997, 6-15-99)
- 19. Location and description of proposed and existing utilities within the subdivision and within two hundred (200) feet of the proposed development. Location of water and sewer mains with respect to property lines, easements and/or street center lines, with line sizes and valve locations shown. Reference by note the location and description of such utilities if not located within two hundred (200) feet of the proposed development. (Ord. 1997, 6-15-99)
- 20. The location of all proposed fire hydrants within the subdivision. (Ord. 1997, 6-15-99)
- 21. Approximate lot and tract dimensions, bearings and area, with each lot numbered individually and the total number of lots noted. (Ord. 1997, 6-15-99)
- 22. The location of vehicular non-access easements and non-typical building setbacks. (Ord. 1997, 6-15-99)

- 23. A typical maximum building envelope containing minimum building setbacks and maximum lot coverage permitted shall be noted on the plat.
- 24. The preliminary plat shall include a site capacity analysis map and data sheet meeting the requirements of Chapter 10-04. Site capacity analysis shall include all areas within the subdivision boundaries and access and utility corridors to the site if not existing.
- 25. Gross and net densities/intensities by lot or platted area in accordance with the provisions of Chapter 10-04.
- 26. Location of water wells, streams, ditches, washes, lakes, or other water features; direction of flow; 100-year flood plain; location and extent of areas subject to inundation, whether such inundation be frequent, periodic or occasional, within the subdivision boundaries and two hundred (200) feet beyond such boundaries. Also, the proposed location(s) of stormwater detention facilities shall be indicated. (Ord. 2000-08, 6/6/00)
- 27. Plans for resource preservation, management, and mitigation of adverse impacts on neighboring properties, in compliance with Chapter 10-04 of the Land Development Code, including bufferyards, where appropriate. (Ord. 1997, 6-15-99)
- 28. Opacity values and bufferyards, if applicable, in accordance with the provisions of Chapter 10-06 of this Code. (Ord. 1997, 6-15-99)
- 29. Traffic control devices.
- 30. Approval block for all utilities.
- 31. Certification block (Arizona Registered Land Surveyor seal and Arizona Registered Professional Engineer, if applicable).
- 32. Complete and accurate legend. (Ord. 1997, 6-15-99)
- 33. Boundary dimensions (to 0.01') and bearings (to 1"), recorded and measured. (Ord. 2000-08, 6/6/00)
- 34. Basis of bearing and record source.
- 35. Detailed description of monuments set and found. (Ord. 1997, 6-15-99)
- 36. Subdivision corners tied to two (2) City control points. (Ord. 1997, 6-15-99)
- 37. Boundary of platted property to have a mathematical closure of not less than 0.01 feet. All non-tangent curves shall include a radial bearing or chord bearing and length. (Ord. 2000-08, 6/6/00)
- 38. Approximate embankment and excavation quantities for the project. (Ord. 2000-08, 6/6/00)
- Clear view zones.
- 40. All information on the plat must be legible.
- F. The preliminary plat shall contain the following information with respect to proposed utilities:
  - 1. It is the responsibility of the subdivider to furnish the Arizona Department of Environmental Quality (A.D.E.Q.) and City Engineer such evidence as that ADEQ may require to its satisfaction as to design and operation of sanitary sewage facilities proposed. A statement as to the types of facilities proposed shall appear on the preliminary plat application.

- 2. As to water supply and facilities, the subdivider shall show evidence of adequate volume and quality satisfactory to the City Engineer.
- G. The preliminary plat submittal shall include preliminary calculations and a description of proposed stormwater disposal outlets to the satisfaction of the City Engineer.
- H. A preliminary plat submittal for a condominium subdivision shall include the following additional information as required by ARS 33-1219:
  - 1. The plat shall be clear and legible, and is a part of the declaration.
  - 2. The plat shall show the following:
    - a. The name of the condominium.
    - b. The boundaries of the condominium and a legal description of the real estate included in the condominium.
    - c. The extent of any encroachments on any portion of the condominium.
    - d. To the extent feasible, the location and dimensions of all easements serving or burdening any portion of the condominium.
    - e. The location and dimensions of the vertical boundaries of each unit, and each unit's identifying number.
    - f. Any horizontal unit boundaries, with reference to an established datum, and each unit's identifying number.
    - g. Any units with respect to which the declarant has reserved the right to create additional units or common elements, identified appropriately.
    - h. The location and dimensions of all real estate subject to the development right of withdrawal identified as such.
    - i. The location and dimensions of all real estate in which the unit owner will only own an estate for years labeled as a "leasehold condominium".
    - j. The distance between noncontiguous parcels of real estate comprising the condominium.
    - The location and dimensions of limited common elements, including porches, balconies, patios and entryways.
    - 1. Any other matters the declarant deems appropriate.

### 10-11-007-0003. PRELIMINARY PLAT APPROVAL:

- A. An application for preliminary plat approval shall comply in all respects with the provisions of this Chapter and the City of Flagstaff Flood Plain Ordinance.
- B. An applicant shall submit all of the documents, information, data, and other requirements for preliminary plat approval to the Planning and Engineering Divisions, and shall furnish to the Divisions all information and materials needed by the Divisions to satisfy the requirements of this Chapter.
- C. In addition to the requirements of the preceding subsections, the applicant shall provide to the Planning and Engineering Divisions any additional information, documents, or other material relevant to the application as required by Code that the Divisions reasonably believe is necessary in order for the Planning and Zoning Commission and the Council to evaluate, analyze, or understand the subject matter of the application.
- D. An application for preliminary plat approval shall not be deemed to have been filed or properly submitted until all fees have been paid and all of the above listed requirements have been satisfied as determined by the Planning Division.
- E. The procedure for approval, amendment, or disapproval of preliminary plat applications shall be as follows:
  - 1. Pursuant to the provisions of this Chapter, the Development Review Board shall review and approve the applications for preliminary plat, including all impact analyses required as part of the submittal with the preliminary plat application.
  - 2. The Planning and Zoning Commission shall recommend to the City Council the approval or disapproval of applications for preliminary plat approval within thirty (30) days of the first consideration of the plat by the Commission.
  - 3. After a final recommendation on an application for preliminary plat approval by the Commission, the Council shall conditionally approve, approve, or disapprove the application within sixty (60) days of the first consideration of the plat by the Council.
  - 4. The preliminary plat shall not be recorded.
  - 5. If a preliminary plat application is disapproved by the City Council, the minutes shall state the reasons for such denial. The preliminary plat application can be re-filed at any time if revision can resolve the reasons for the denial as originally proposed. The new filing of a preliminary plat application for the same tract, or any portion thereof, shall follow the procedures and requirements specified in this division.

### 10-11-007-0004. SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL:

Preliminary plat approval by the Council constitutes authorization for the subdivider to proceed with preparation of the final plat and engineering plans and specifications. Preliminary plat approval is subject to the final conditions:

- A. The conditions under which approval of the preliminary plat is granted will not be changed prior to the expiration date.
- B. Approval is valid for a period of two (2) years from the date of Council approval; thereafter, such approval shall be deemed to have expired. (Ord. 1997, 6-15-99)
- C. Preliminary plat approval may, upon written application to the Planning Division by the subdivider, be extended for an additional one (1) year if, in the opinion of the Planning Director there is no change in conditions within or adjoining the preliminary plat which could warrant a revision of the original preliminary plat.
- D. If preliminary plat approval expires prior to application for final approval, the plat shall be resubmitted for

preliminary approval as a new case and the subdivider shall be required to pay a new fee.

E. Preliminary plat approval does not constitute approval to clear, grade, remove trees, or perform other land or construction activity until a final plat is recorded and a grading permit is issued.

# DIVISION 10-11-008. FINAL PLATS

Note: This entire Division was amended by Ordinance No. 2007-44, 12-04-2007.

### 10-11-008-0001. PLAT SUBMITTAL AND REVIEW:

- A. The subdivider shall submit to the Planning Division a final plat and application for review by the Development Review Board in accordance with the submittal deadlines established by the Planning Director. The final plat shall conform to the approved preliminary plat, and shall contain all information and conform to all requirements for final plat preparation as specified below: (Ord. 1997, 6-15-99)
  - 1. A completed final plat application form.
  - 2. The required number of paper copies as determined by the Planning Director of the final plat reproduced in the form of blue or black line prints on a white background.
  - 3. A non-refundable final plat filing fee to compensate the City for the costs of examining and processing the subdivision plat and subsequent field investigation. (See Property Development Review Fee Schedule available as a separate document.) (Ord. 2002-15, 11-05-02)
  - 4. One (1) duly notarized title of record statement for the property involved from a state-registered title company.
  - 5. City/Subdivider Agreement executed by the subdivider.
  - 6. The required number of copies as determined by the Planning Director of landscaping plans for public and private right-of-ways and bufferyards, if applicable.
- B. Upon receipt of the final plat application, the Planning Division shall date and initial receipt of the materials and check the plat for conformity to the approved preliminary plat as approved or modified and for compliance with the requirements for final plats as set forth in Section 10-11-008-0002.
- C. Upon approval of the final plat application and final plat by the City Council, the subdivider shall submit to the Planning Division the following, which shall be dated upon receipt;
  - 1. One (1) opaque linen or Mylar copy of the final plat for recordation.
  - 2. One (1) reproducible Mylar copy of the final plat.
  - 3. A copy of the final plat provided in electronic format in a form determined by the City Engineer.

# 10-11-008-0002. FINAL PLAT REQUIREMENTS:

- A. All final subdivision plats shall be designed to comply with the requirements of the specific zoning district within which they are located. Any zoning amendment necessary shall have been approved by the City Council prior to final City Council action on the final plat. (Ord. 1741, 3-17-92)
- B. No lot shall be divided in such a way that any division of such lot shall contain more dwelling units or commercial/industrial square footage than permitted by the zoning regulations for which district such lot is situated. (Ord. 1997, 6-15-99)
- C. The subdivider shall submit copies of the final plat to the appropriate public/quasi-public utility agencies prior to seeking City Council action on a final plat. Written comments by the agencies shall be made to the

- Planning Division as a part of the application. The Planning Director, or his authorized representative, shall submit the final plat application together with the utility agencies' comments to the City Council.
- D. The final plat shall substantially conform to the approved preliminary plat, and shall be in compliance with all appropriate City standards, codes, specifications, and requirements.
- E. Every subdivision shall conform to the objectives of any comprehensive general plan approved or as amended by the City Council.
- F. Any information required as part of the final plat submittal shall be shown graphically, or by note, or by letter, or by combination thereof on the plans, and may comprise several sheets showing various elements of the required data.
- G. The final record plat of a subdivision shall be drawn in waterproof ink on linen or other non-shrinking material on a sheet not to exceed twenty-four (24) inches by thirty-six (36) inches in overall dimensions, and shall have a left margin of two (2) inches. All final plats requiring more than one (1) sheet shall have a cover sheet indicating the entire subdivision and the proposed sections to be found on the corresponding individual pages. The final plat shall be drawn to an accurate scale of not more than one hundred (100) feet to the inch (1 inch = 100 feet).
- H. Submittal of documents of dedication does not automatically convey such lands or rights-of-way into public ownership; such dedications must be accepted by the City Council. Submittal of documents of dedication also does not automatically indicate acceptance of the land dedicated for maintenance by the City. Acceptance for maintenance by the City requires a request by the subdivider or property owner to the City Council and specific action by the Mayor and City Council for such acceptance for maintenance by the City, and the execution of a City/Subdivider Agreement.
- I. Avigation easement if appropriate.
- J. All lands to be dedicated to the City that are not considered right-of-way require a warranty deed to be recorded with the final plat.
- K. All Final Plats shall contain the following information:
  - 1. A title which includes the name of the subdivision and its location by number of section, township, range, meridian and county. (Ord. 1997, 6-15-99)
  - 2. Name and address of subdivider (record owner), and name, address, registration number, and seal of the registered land surveyor preparing the plat.
  - 3. Name, address, and registration number of the registered civil engineer responsible for the preparation of the engineering drawings that are necessary for the proposed subdivision.
  - 4. Utility companies' signatures and date.
  - 5. Bar scale, north arrow oriented to top, right or left of sheet, and date of plat preparation. (Ord. 1997, 6-15-99)
  - 6. Boundaries of the tract to be subdivided shall be mathematically correct and show all record and measured bearings and distances. Boundary dimensions to 0.01' and bearings to 1" shall be shown, as well as a description of all found monuments. (Ord. 1997, 6-15-99)
  - 7. Any excepted parcel or parcels within the plat boundaries shall be accurately described by bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed to 0.01 feet and bearings to 1 second. (Ord. 1997, 6-15-99)

- 8. Record basis of bearing and two corners of the subdivision shall be tied by course and distance to separate survey monuments approved by the City Engineer. (Ord. 1997, 6-15-99)
- 9. Names, centerlines, right-of-way lines, courses, lengths, and widths of all public streets, alleys, and easements to be dedicated. Points of tangency of all curvilinear streets and alleys shall be shown. Curve data shall include radius, length, central angle, and radial bearings (or chord bearing and chord length) on non-tangent curves. (Ord. 1997, 6-15-99)
- 10. Location, dimensions, and area (square feet or acres) of all lots and tracts shall be shown. Lot dimensions and appropriate bearings shall be indicated for all lot lines. In areas subject to flooding, minimum finished first floor elevations shall be shown as may be recommended by the appropriate authority. (Ord. 1997, 6-15-99)
- 11. All lots shall be numbered consecutively throughout the plat. Tracts for school sites, parks, open space areas or other public uses shall be so designated, lettered or named, and clearly dimensioned. (Ord. 1997, 6-15-99)
- 12. The accurate outline of all property which is offered for dedication for public use and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision shall be shown.
- 13. Subdivision name, case number, and map number of adjacent recorded subdivisions, with location of existing adjacent lots, easements, and rights-of-way shown, or Docket and Page or instrument number, where appropriate. All proposed conditions shall be graphically differentiated from existing conditions on adjacent properties and on excepted parcels within the plat. (Ord. 1997, 6-15-99)
- 14. The following notation shall be placed upon all final plats for public utility easements: "Except for construction and improvements by governmental entities and certificated public utilities, construction and improvements within utility easements shall be limited to only the following: (Ord. 1997, 6-15-99)
  - a. removable wood, wire or section-type fencing; (Ord. 2000-08, 6/6/00)
  - b. construction, structures or building expressly approved in writing by all public utilities which use or shall use the utility easement."
- 15. Statement and acknowledgment of the dedication of all streets, alleys, drainageways, utility easements, crosswalks, bike paths, pedestrian ways, including but not limited to sidewalks, crosswalks and trails, and other easements for public use by the persons holding title of record, by persons holding title as vendees under land contract, and by wives of said parties, if jointly owned. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedications shall include a written location by section, township, and range of the tract. If the plat contains private streets, provisions should be made so that the public utilities reserve the right to install and maintain utilities above, on, and below such private streets or ways.
- 16. The following certifications must be included on the final plat in the form as determined by the Planning Director:
  - a. Certification by a registered land surveyor that the plat is correct and accurate, and that the monuments described in it have been located as described.
  - b. Certification of plat approval by the City Engineer.
  - c. Certification of plat approval by the Chairperson of the Development Review Board.
  - d. Certification of plat approval by the City Council.

- 17. The location of appropriate vehicular non-access restrictions as well as intersection clear view zones if on-lot, shall be included on the plat. (Ord. 1997, 6-15-99)
- 18. A typical maximum building envelope containing minimum building setbacks, bufferyards if applicable, and maximum permitted lot coverage shall be shown on the plat. Non-typical building envelopes shall be shown on the individual lots which are affected. (Ord. 1997, 6-15-99)
- 19. Floodplain limits and the following text when applicable: Lots \_\_\_\_\_\_ have been identified as being partially or wholly within a flood hazard area per F.I.R.M. Map\_\_\_\_\_\_, revision date\_\_\_\_\_\_. Because flood hazard boundaries may be revised periodically, the most recent flood hazard map for this area should be reviewed to determine the exact limits and severity of potential flooding on these lots. Flood hazard maps and requirements for construction within flood hazard areas can be obtained from the City of Flagstaff.
- 20. Subdivisions that are associated with a rezoning ordinance shall identify the ordinance number and the instrument number of the recorded ordinance on the plat.
- 21. Drawings of Final Plat, digital and hard copy, in accordance with the provisions of current City of Flagstaff Engineering Standards. (Ord. 1997, 6-15-99)
- 22. Complete and accurate legend.
- 23. Location map with north arrow. (Ord. 1997, 6-15-99)
- 24. All information on the plat must be legible. (Ord. 1997, 6-15-99)
- L. A final plat submittal for a condominium subdivision shall also include the additional information as required by ARS 33-1219 described in Section 10-11-007-0002H.

### 10-11-008-0003. FINAL PLAT APPROVAL:

- A. An application for approval of a final plat shall not be filed unless there is an approved preliminary plat for the proposed subdivision as provided for in Division 10-11-007.
- B. An applicant for final plat approval shall comply in all respects with the provisions of this Chapter.
- C. An applicant for final plat approval shall have executed and submitted a City/Subdivider Agreement, which shall be transmitted to the Mayor for his signature.
- D. An applicant shall submit all of the documents, information, data, and other requirements for final plat approval to the Planning Division and shall furnish to the Division all information and materials needed by the Division to satisfy the requirements of this Chapter.
- E. In addition to the requirements of the preceding subsections, the applicant shall provide to the Division any additional information, documents, or other material relevant to the application that the Planning and Engineering Divisions reasonably believe is necessary in order for the City Council to evaluate, analyze, or understand the subject matter of the application.
- F. An application for final plat approval shall not be deemed to have been filed or properly submitted until all fees have been paid and assurances provided and all of the above listed requirements have been complied with as determined by the Development Review Board.
- G. The procedures for approval, amendment, or disapproval of final plat applications shall be as follows:
  - 1. The Development Review Board shall approve or disapprove an application for a final plat pursuant to the provisions of this Chapter.

# 2. Approval:

- a. Upon receipt of a final recommendation on an application for a final plat from the Development Review Board, the application shall be forwarded to the City Council for final approval. After approval of the final plat by the City Council and certification by the City Engineer, the City Manager shall request that the City Clerk and the Mayor transcribe a certificate of approval upon the plat and that the Mayor and City Clerk execute a City/Subdivider Agreement, first making sure that the other required certifications and dedications have been duly signed and acknowledged.
- b. The subdivider shall then pay to the City the fee charged by the Coconino County Recorder for the recordation of the plat and City/Subdivider Agreement. The City shall then promptly record the plat with the Coconino County Recorder, pursuant to A.R.S. 9-463.01(I).

### 3. Amendment:

- a. When the final plat has been approved by the City Council and recorded with the Coconino County Recorder all development regulations and conditions of approval applicable to the final plat are final and may not be amended except upon application to the Planning Director following the procedures for subdivision approval established in Chapter 10-11.
- b. If the City Council finds that the plat requires further amendment, the case shall not be approved until the amendments can be satisfactorily accomplished.
- c. There shall be no amendments to the application or plat without the express approval of both the City Council and the subdivider.

### 4. Denial:

a. If the City Council disapproves the plat, the minutes shall state the reasons for such denial. The final plat application may be re-filed at any time if revision can resolve the reasons for the denial as originally proposed. The new filing of a final plat application for the same tract, or any portion thereof, shall follow the procedures and requirements specified in this section

# DIVISION 10-11-009. SUBDIVISION DESIGN STANDARDS AND REQUIREMENTS

# 10-11-009-0001. IN GENERAL:

- A. Except where expressly modified by the City Council, each subdivision and the plat thereof shall be in conformity with the standards set forth or referred to in this Chapter, and the City of Flagstaff "Engineering Design and Construction Standards and Specifications."
- B. All lots or parcels created by the subdivision of land shall have their own access to a public street improved to standards hereinafter required. Private streets shall be governed by the standards established in Division 10-07-004 and the City of Flagstaff "Engineering Design and Construction Standards and Specifications". If the City Council finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons therefore, then such access may be recommended; however, private streets must be improved to City standards. (Ord. 2007-44, 12-04-2007)

### 10-11-009-0002. LOT DESIGN:

- A. The size, shape, and orientation of lots in the subdivision shall be appropriate to the location of the proposed subdivision and to the type of development contemplated.
- B. No remnants of property shall be left in the subdivision which do not conform to lot requirements, unless required for a private utility or public purpose.
- C. All subdivisions shall result in the creation of lots which are capable of being lawfully built upon. Except for parcels to be maintained as open space, no subdivision shall create lots which are physically unsuitable for improvement due to size or shape, steepness of terrain, location of water courses, problems of sewage or driveway grades, or other natural physical conditions.
- D. Lots having double frontage shall be avoided except where necessary to provide separation of residential development from traffic arterials, to provide ingress and egress in commercial or industrial subdivisions, or to overcome specific disadvantages of topography and orientation.

### 10-11-009-0003. STREET DESIGN:

- A. The minimum requirements for street design shall be as required by the current City of Flagstaff "Engineering Design and Construction Standards and Specifications".
- B. Standard utility locations shall be as required by current City of Flagstaff specifications.
- C. Local streets shall be designed to create a comprehensive grid-like and topographically sensitive network of vehicular and pedestrian connections between the proposed subdivision and existing streets and pedestrian routes. (Ord. 2007-44, 12-04-2007)
- D. Names of streets should be consistent with the natural alignments and extensions of existing streets and the City's Address Policy. New street names should not duplicate, in whole or in part, or be confusing with existing names.
- E. Local circulation systems and land development patterns shall be designed so that there will be no detraction from the efficiency of bordering arterial routes.
- F. Proposed streets, as designated by the City, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands.
- G. The functional classification of streets shall be assigned by the City.

### 10-11-009-0004. ALLEY AND EASEMENT DESIGN:

- A. Alleys shall be in accordance with City ordinances and improved to City standards. (Ord. 2002-15, 11-05-02)
- B. Easements shall be provided and dedicated where deemed necessary for specific purposes for use by the general public, corporations, or the City of Flagstaff.
- C. A non-vehicular access restriction prohibiting vehicular access from the collector or arterial street side of a double frontage or corner residential lot is required, except in Traditional Neighborhood developments approved in a Traditional Neighborhood District. (Ord. 2007-44, 12-04-2007)
- D. The subdivider shall dedicate a right-of-way or easement for storm drainage conforming substantially to the line of any watercourse that traverses the land; or at the option of the City, the subdivider shall provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and stormwater, upon the direction of the City Engineer. (Ord. 2007-44, 12-04-2007)

### 10-11-009-0005. BLOCK DESIGN:

- A. Blocks shall not normally exceed twelve hundred (1,200) feet in length between street lines, except in hillside developments or where a subdivision of one-half (1/2) acre lots or larger justify or require a variation from this requirement, or where there are unusual conditions of the property being subdivided.
- B. Blocks shall normally have sufficient width for an ultimate layout of two (2) tiers of lots of the size required by the provisions of the Zoning Ordinance.
- C. Blocks shall not normally be less than four hundred (400) feet in length (measured from the property lines), except where it is necessary due to unusual conditions of the property being subdivided and not merely convenience.
- D. The standards provided in Sections 10-11-009-0005A through –C shall not apply in new Traditional Neighborhood developments approved under the provisions of Chapter 10-17 (Traditional Neighborhood District) of this Code. (Ord. 2007-44, 12-04-2007)

# DIVISION 10-11-010. MINIMUM REQUIRED SUBDIVISION IMPROVEMENTS:

### 10-11-010-0001. IN GENERAL:

It shall be the responsibility and duty of the subdivider to improve or agree to improve all streets, pedestrian ways, alleys and easements in the subdivision and adjacent thereto required to serve the subdivision. No permanent improvement work shall be commenced until improvement plans and profiles have been approved by the Engineering Division. Improvements shall be installed to the permanent line and grade and to the satisfaction of the Engineering Division, and in accordance with the standard subdivision specifications of the City of Flagstaff. The cost of the inspection shall be paid by the subdivider.

# 10-11-010-0002. MINIMUM IMPROVEMENTS REQUIRED:

- A. Grading, curbs and gutters, paving, drainage, and drainage structures necessary for the proper use and drainage of streets, alleys, and pedestrian ways, for the public safety.
- B. Site grading and drainage, taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.
- C. All streets, alleys, bike paths, and pedestrian ways including, but not limited to sidewalks, and trails shall be constructed to widths and grades shown in the improvement plans and profiles. The subdivider shall improve the extension of all subdivision streets and pedestrian ways to any intercepting or intersection streets.
- D. Sanitary sewer facilities connecting with the existing City sewer system shall be installed to serve the subdivision with a separate private lateral for each lot except for planned developments, and to grades and sizes shown on the plans. Mains and individual lot services shall be of sufficient size to furnish adequate service in accordance with the City of Flagstaff "Engineering Design and Construction Standards and Specifications". (Ord. 2007-44, 12-04-2007)
- E. Stormwater drains and retention/detention facilities shall be installed as shown on the plans and as approved by the City Engineer.
- F. Water mains and fire hydrants connecting to the water system shall be installed as per approved plans. Mains and individual lot services shall be of sufficient size to furnish adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection in accordance with the City of Flagstaff "Engineering Design and Construction Standards and Specifications". (Ord. 2007-44, 12-04-2007)
- G. Parking bays where required or permitted.

- H. Traffic control devices.
- I. Landscaping shall be of a type approved by the Planning Division.
- J. Permanent monuments, barricades, and traffic safety devices shall be placed in accordance with the City of Flagstaff "Engineering Design and Construction Standards and Specifications". (Ord. 2007-44, 12-04-2007)
- K. Street lighting facilities shall be provided in accordance with City ordinances and policies.
- L. All telephone, electric power, cable television, or other wires or cables shall be placed underground. Equipment appurtenant to the underground facilities, such as surface-mounted transformers, pedestal cabinets, and concealed ducts may be above ground. The subdivider shall make necessary arrangements with the utilities involved for the installation of the underground facilities.
- M. Provisions shall be made for any railroad crossings necessary to provide access to or circulation within the proposed subdivision, including grade crossing protection as may be required by the Arizona Corporation Commission.
- N. Street names shall be in accordance with the City's Address and Street Assignment Policy.
- O. Streets, sewer and water utilities, and all other improvements shall comply with the in accordance with the City of Flagstaff "Engineering Design and Construction Standards and Specifications". (Ord. 2007-44, 12-04-2007)
- P. A permit shall be issued by the City prior to commencement of any construction, and if work ceases for any reason, it shall not be resumed until after notifying the Engineering Division in advance and receiving approval.
- Q. All underground installations shall be constructed prior to surfacing the street. Service stubs to platted lots within the subdivision for underground utilities shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made, and at least to the platted lot property line.
- R. In addition to obtaining City permit and plan approvals, no person shall use any mechanical equipment for land leveling or clearing, road construction, trenching, excavating, demolition, or engage in any earth-moving activity without first obtaining a permit from the Coconino County Air Pollution Control Office (pursuant to A.R.S. 36-779.01), and notifying the City of Flagstaff Engineering Division of such activity.

# DIVISION 10-11-011. ENGINEERING PLANS

# **10-11-011-0001. ENGINEERING PLANS:**

- A. The subdivider shall be responsible for the preparation of a complete set of engineering plans, prepared by an Arizona registered engineer, satisfactory to the Engineering Division for construction of required improvements. The plans shall be based on the approved preliminary plat and be prepared in conjunction with the final plat. (Ord. 2007-44, 12-04-2007)
- B. The final plat shall not be recorded until all engineering plans for water, public sanitary sewer facilities, grading plan, and all other improvements have been approved by the Engineering Division.

# DIVISION 10-11-012. ASSURANCE FOR THE CONSTRUCTION OF SUBDIVISION IMPROVEMENTS

# 10-11-012-0001. IN GENERAL:

No final plat shall be recorded unless the subdivider has posted a performance bond, surety or guarantee instrument, or such other security as may be appropriate and necessary in the opinion of the City Attorney to guarantee the installation of required improvements, unless all such required improvements have been completed and paid for as determined by the City Engineer.

# 10-11-012-0002. ACCEPTABLE METHODS OF ASSURANCE:

The following methods may satisfy the guarantee requirements of Section 10-11-012-0001.

- A. Post performance bonds from a surety bonding company authorized to do business in the State of Arizona. The bonds shall be payable to the City of Flagstaff and shall be in an amount not less than one hundred (100) percent and up to one hundred twenty (120) percent of the cost as estimated by the subdivider's engineer and approved by the City Engineer of the construction, installation, and dedication of the uncompleted portion of the required improvements.
- B. Establish a cash escrow account with the City or a bank or similar financial institution acceptable to the City. The amount of the cash escrow account shall be not less than one hundred (100) percent and up to one hundred twenty (120) percent or at least equal to the cost as estimated by the subdivider and approved by the City Engineer of the construction, installation, and dedication of the uncompleted portion of the required improvements. The written agreement between the subdivider and the City of the escrow agent creating the escrow account shall provide:
  - 1. That the principal and accumulated interest shall be held in trust by the City or the escrow agent until released in whole or in part by the City and may not be used or pledged by the subdivider for any purpose during the period the escrow account is in effect.
  - 2. That in case of a failure on the part of the subdivider to complete the required improvements within the specified time period, and upon notice by the City to the subdivider, the escrow funds shall immediately, without further action, be made available to the City for use in completion of those improvements.
- C. Provide a letter of credit from a bank or other financial institution or person maintaining an office in Arizona which is acceptable to the City. The letter of credit shall provide the following:
  - 1. That the creditor guarantees funds in an amount not less than one hundred (100) percent and up to one hundred twenty (120) percent of the cost as estimated by the subdivider and approved by the City Engineer of the construction, installation, and dedication of the required improvements.
  - 2. That in case of failure on the part of the subdivider to complete the required improvements within the specified time period, and upon notice by the City to the subdivider, the creditor shall, without further action, immediately pay to the City such funds as are necessary to complete the required improvements, up to the limit of credit stated in the letter.
  - 3. That the letter of credit may not be withdrawn, or reduced in amount, until released by the City.
- D. Provide such other assurances or security as the City Engineer and City Attorney may recommend and the Mayor and Council may approve as appropriate and necessary to secure completion of the required improvements.

# 10-11-012-0003. ASSURANCE REQUIREMENTS:

The alternative assurances described in Section 10-11-012-0002 above are subject to the following requirements:

- A. Such assurances shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.
- B. The period within which the required improvements must be completed shall be incorporated in the documents creating the assurance, and shall not in any event exceed one (1) year from the date of final plat approval, unless an extension is granted by the City Engineer due to climatic conditions.

### 10-11-012-0004. INSPECTION AND ACCEPTANCE OF IMPROVEMENTS:

The City Engineer shall provide for inspection of required improvements during construction to ensure their satisfactory completion. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the subdivider shall be responsible for completing or replacing such improvements as to the specifications of the City. The City will not accept dedication of the required improvements nor release nor reduce any assurance until the City Engineer has issued a letter of completion and acceptance.

# 10-11-012-0005. REDUCTION OF ASSURANCES:

The amount of an assurance may be reduced for those improvements that can be used and maintained independently of improvements required for the entire plat. The reduction shall be in the ratio of said improvement completed and accepted to the total public improvements for the plat. In no event shall the assurance be reduced below ten (10) percent of the principal amount. One hundred (100) percent of the assurance may be released upon final written acceptance by the City Engineer within thirty (30) day of said acceptance.

### DIVISION 10-11-013. MINOR LAND DIVISIONS

### **10-11-013-0001. PURPOSE AND INTENT:**

The purpose of these regulations is:

- A. To provide for the partitioning of land into two (2) or three (3) parts through a process that is more expeditious than the subdivision process;
- B. To assure that the proposed lots are in conformance with the City's development standards;
- C. To obtain accurate surveying and permanent public record of the separate interests created and conveyed by the division of lands;
- D. To assure adequate access and to provide a coordinated street system.

### 10-11-013-0002. IN GENERAL:

- A. For the purpose of this Chapter, a Minor Land Division shall constitute the following acts, and shall be subject to the provisions of this Chapter unless excepted under "B" below: (Ord. 1997, 6-15-99)
  - 1. "Land Splits" or the division of improved or unimproved land whose total area prior to the division is two-and-one-half (2 1/2) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease. (Ord. 1997, 6-15-99)
  - 2. The division of improved or unimproved land or lands for the purpose of financing, sale, or lease, whether immediate or future, into two (2) or three (3) lots, tracts, or parcels of land, and when a new street is involved.

- 3. The division of improved or unimproved land or lands for the purpose of financing, sale or lease, whether immediate or future, into two (2) or three (3) parts, and when the boundaries of such property have been fixed by a recorded plat.
- B. The following acts are not considered Minor Land Divisions, and are therefore not subject to the provisions of this Chapter: (Ord. 1997, 6-15-99)
  - 1. "Land Splits" where the division of improved or unimproved land whose total area prior to the division is more than two and one-half (2 ½) acres, into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease, so long as all applicable zoning development standards are met. (Ord. 1997, 6-15-99)
  - 2. The division of improved or unimproved land or lands for the purpose of finance, sale or lease, whether immediate or future, into two (2) or three (3) parts, and when the boundaries of such property have been fixed by a recorded plat, so improvements (i.e. public street, water and sewer systems) exist along the entire frontage of such property. (Ord. 1997, 6-15-99)
- C. The preparation, submittal, review, and approval of all Minor Land Divisions located within the City limits shall proceed through the following progressive stages, except when otherwise provided herein:
  - 1. Pre-application conference with the Planning Division.
  - 2. Submittal, review, and approval of the Minor Land Division application and map by the subdivider through the Development Review Board.
  - 3. Recordation of the approved Minor Land Division map.

# 10-11-013-0003. PRE-APPLICATION CONFERENCE:

- A. The pre-application conference stage of Minor Land Division review is an investigatory period preceding the preparation and submittal of the Minor Land Division application by the subdivider. The subdivider shall initially present his proposal to the Planning Division, and the Division shall advise the subdivider of specific public objectives, standards, and regulations related to the property and the procedure for Minor Land Division review.
- B. The applicant for Minor Land Division approval, before complying with Section 10-11-013-0004, shall submit a sketch plan to the Planning Division for a determination of whether the approval process authorized by this Division can be and should be utilized. The Planning Division may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the Coconino County Assessor's Map showing the land being divided and all lots previously divided from that tract of land and all contiguous land under the same ownership since 1975 when Arizona State enabling legislation for the subdivision of lands was enacted.

# 10-11-013-0004. MINOR LAND DIVISION APPLICATIONS:

- A. Application Submittal:
  - 1. The subdivider shall submit the following materials to the Planning Division at least fifteen (15) days prior to a regularly scheduled meeting of the Development Review Board at which the subdivider desires that his application be heard. (Ord. 1997, 6-15-99)
    - a. The required number of copies of the Minor Land Division map reproduced in the form of blue or black line prints on a white background, or suitable copies. (Ord. 1741, 3-17-92)
    - b. A completed Minor Land Division application form.

2. All submittals shall be checked by the Planning Division for completeness and assigned a case number. If incomplete as to the requirements set forth in this Division (10-11-013), the submittal may be rejected and returned to the applicant for revision and resubmittal.

# B. Application Requirements:

- 1. All minor land divisions shall be designed to comply with the requirements of the specific zoning district within which it is located.
- 2. No lot or parcel shall be divided in such a way that any division of such lot or parcel shall contain more dwelling units than are permitted by the zoning regulations for which district such lot is situated.
- 3. Any information required as part of the Minor Land Division submittal shall be shown graphically, or by note, or by letter, or by combination thereof on the plans, and may comprise several sheets showing various elements of the required data. All mapped data for the same map shall be drawn at the same engineering scale, said scale not to be greater than one hundred (100) feet to an inch. The overall dimensions of a sheet shall not exceed twenty-four (24) inches by thirty-six (36) inches.
- 4. All Minor Land Division maps shall contain the following information:
  - a. Map titled as: "Minor Land Division map for (subdividers name)." (Ord. 1997, 6-15-99)
  - b. Location by quarter-section, section, township, range, meridian and county. (Ord. 1997, 6-15-99)
  - c. Legal description of the property involved.
  - d. Name, address, and phone number of subdivider.
  - e. Bar scale, north arrow oriented to top, right or left of sheet, and dates of preparation and revisions. (Ord. 1997, 6-15-99)
  - f. Existing street dedications, utility easements, and lot lines of all adjacent properties. Subdivider properties must be indicated by subdivision name and Coconino County Recorder's Office Book, Map and Page number; unsubdivided land must be identified by docket and page. (Ord. 1997, 6-15-99)
  - g. Name, address, registration number, and seal of the registered land surveyor preparing the map.
  - h. Boundaries of the tract have mathematical closure of not less than 0.01 feet, showing all measured and record bearings and distances. All dimensions shall be expressed to 0.01 feet and bearings to 1 second. (Ord. 1997, 6-15-99)
  - i. Record basis of bearing and two corners of the minor land division map shall be tied by course and distance to a survey monument approved by the City Engineer. (Ord. 1997, 6-15-99)
  - j. Lot areas, and bearings and dimensions of all lots and proposed rights-of-way and easements within the minor land division map, to 0.01 feet and bearings to 1 second. Curve data shall include radius, central angle, length, and radial bearing (or chord bearing and chord length) if non-tangent. (Ord. 1997, 6-15-99)
  - k. All lots shall be identified by number or letter.

- 1. Detailed description of all monuments. (Ord. 1997, 6-15-99)
- m. The following certifications must be included on the minor land division map:
  - (1) Certification by a registered land surveyor preparing the map that the map is correct and accurate, and that the monuments described in it have been located as described.
  - Certification of map approval by the City Engineer for the Development Review Board.
- n. All existing physical and natural features, including but not limited to, buildings structures, bridges, culverts, within the Minor Land Division boundaries. Identify those which are to be removed and those to remain.
- o. If applicable, site capacity calculations and total resource protection lands per Chapter 10-04, and bufferyards per Chapter 10-06 shall be determined and indicated.
- p. Complete and accurate legend. (Ord. 1997, 6-15-99)
- q. Drawing, digital and hard copy, per current City of Flagstaff Engineering Standards. (Ord. 1997, 6-15-99)

# C. Application Approval.

- 1. The subdivider shall submit all of the documents, information, data, and other requirements for Minor Land Division application approval to the Planning Division, and shall furnish to the Division and Development Review Board any additional information and materials relevant to the application, and per code requirements, that the Division and Board reasonably believe is necessary in order for the Board to evaluate, analyze, or understand the subject matter of the application, and to ensure compliance with the requirements of this Division. Compliance shall be determined by the Board.
- The procedures for approval, modification, or disapproval of Minor Land Division applications shall be as follows:
  - a. The Development Review Board shall approve or disapprove applications for Minor Land Divisions pursuant to the provisions of this Division.
  - b. Upon receipt of an application for Minor Land Division, the Planning Division shall place the Minor Land Division application on the Agenda of the next regular meeting of the Development Review Board whereupon the Board shall either approve, conditionally approve, or disapprove, the application.
  - c. Approval:
    - (1) If the Board approves the Minor Land Division application, the City Engineer shall transcribe a certificate of Board approval upon the map, first making sure that: (a)) all conditions of approval have been complied with; (b) the other required certifications have been duly signed; and (c) that any instruments for required street dedications have been prepared, executed, and duly recorded.
    - (2) After Board approval of the Minor Land Division, certification of approval by the City Engineer and the Development Review Board, and compliance with Sections 10-11-013-0007 and 10-11-013-0008 hereof, the applicant shall pay to the City the fee charged by the Coconino County Recorder for the recordation of the map, and upon notice from the Development Review Board, the City Clerk

shall then promptly record the map with the Coconino County Recorder. (Ord. 2002-15, 11-05-02)

d. Modification. If the Board finds that the Minor Land Division application requires further modification, the application shall not be approved until the revisions can be satisfactorily accomplished and the application resubmitted and rescheduled.

### e. Denial:

- (1) If the Board disapproves the Minor Land Division application, the minutes shall state the reasons for the denial. The application may be refiled if suitable revisions can be made to resolve the conflicts noted by the Board as originally proposed.
- (2) A subdivider may appeal a final action by the Board per Division 10-11-016 of this Chapter.

# 10-11-013-0005. MINOR LAND DIVISION DESIGN STANDARDS AND REQUIREMENTS:

Except where expressly modified or permitted by the Development Review Board, all Minor Land Divisions shall be in general conformity with the lot, street, block, alley, and easement design standards and requirements specified for subdivisions in Division 10-11-009 of this Chapter.

# 10-11-013-0006. MINIMUM REQUIRED MINOR LAND DIVISION IMPROVEMENTS:

Exclusive of "land splits", Section 10-11-013-0002.A.1., the subdivider is to dedicate and improve or agree to improve streets, pedestrian ways, alleys, and easements in the Minor Land Division and adjacent thereto required to serve the Minor Land Division, and make such other improvements as specified for subdivisions in Division 10-11-010. No permanent improvement work shall be commenced until improvement plans and profiles have been approved by the Engineering Division. Improvements shall be installed to the permanent line and grade to the satisfaction of the Engineering Division, and in accordance with the standard subdivision specifications of the City of Flagstaff.

- A. Minor Land Division improvements shall not be required as a condition of approval for Minor Land Divisions in the following situations:
  - 1. When the division is to allow construction of a single-family dwelling and the City Engineer determines that less than fifty (50) percent of the half street right-of-way for the side of the block on which the property is located would be improved as a result of such condition; or
  - 2. The City Engineer may require as a condition for the waiver of the required Minor Land Division improvements, the execution of a "Letter of Intent" to the City of Flagstaff attesting that the owner(s), their heirs, successors, or assigns agree that they will participate in the cost of the improvements abutting their property at a later date, whenever it is deemed necessary by the City, based upon future development in the immediate area. Such "Letters of Intent" shall be recorded by the City Clerk at the Coconino County Recorder's Office.

### 10-11-013-0007. ENGINEERING PLANS FOR MINOR LAND DIVISION:

- A. If improvements are required for the Minor Land Divisions pursuant to Section 10-11-013-0006 herein, the applicant shall be responsible for the preparation of a complete set of engineering plans, prepared by an Arizona registered civil engineer, satisfactory to the Engineering Division for the construction of the required improvements. The plans shall be prepared in conjunction with the Minor Land Division map.
- B. The Minor Land Division map shall not be recorded until all engineering plans for the required improvements have been approved by the Engineering Division.

# 10-11-013-0008. ASSURANCE FOR THE CONSTRUCTION OF MINOR LAND DIVISION IMPROVEMENTS:

If improvements are required for the Minor Land Division pursuant to Section 10-11-013-0006 herein, no Minor Land Division map shall be certified as being approved by the City Engineer unless the applicant has posted a performance bond, surety or guaranty instrument, or such other security as may be appropriate and necessary to guarantee the installation of the required improvements in the manner specified for subdivisions in Division 10-11-013 of this Chapter, unless all such required improvements have been completed and paid for, as determined by the City Engineer.

# DIVISION 10-11-014. MODIFICATIONS

### 10-11-014-0001. MODIFICATIONS:

- A. Where, in the opinion of the City Council, there exists extraordinary conditions of topography, land ownership, or adjacent development, or other circumstances not provided for in these regulations, the Council may modify the provisions of this Chapter in such a manner and to such extent as it may deem appropriate to the public interest. The burden of proof for Council determination of a modification rests with the subdivider. The written request for modification shall be made to the Planning Director and shall be submitted to the City Council after review and recommendation by the Planning and Zoning Commission.
- B. In modifying the standards or requirements of these provisions, as outlined above, the City Council may make such additional requirements as appear necessary in its judgment to secure substantially the objectives of the standards or requirements so modified.

# DIVISION 10-11-015. VIOLATIONS

# 10-11-015-0001. VIOLATIONS:

- A. It shall be a misdemeanor to record or attempt to record a subdivision plat or minor land division map with the Coconino County Recorder if such plat or map includes any land within the City of Flagstaff and such plat or map has not been given approval by the Flagstaff City Council or Development Review Board, or the necessary certifications and signatures of approval have not been obtained as provided for by this Chapter.
- B. It shall be a misdemeanor to attempt to achieve or achieve a Minor Land Division or to attempt to establish or establish a subdivision of any land within the City of Flagstaff without first having obtained the approval of the Flagstaff City Council or Development Review Board as provided for by this Chapter.

# DIVISION 10-11-016. APPEALS

# 10-11-016-0001. APPEALS:

The following procedure of appeal shall be utilized by all parties.

A. Appeal of Development Review Board. During the course of preliminary plat, final plat, and Minor Land Division map preparation, and review by the Development Review Board, a person may appeal to the Planning and Zoning Commission within ten (10) days of such decision by the Development Review Board. The appeal is filed with the Planning Director describing the reason(s) for, and details of, the request. The appeal shall be acted upon by the Commission within thirty (30) days of the date upon which the appeal is filed with the Planning Director, unless circumstances beyond the control of the Commission require a longer review period. In this case, the Planning Director shall notify the appellant when the appeal will be heard by the Commission, but in no case shall the review period be longer than sixty (60) days from the date the appeal is filed with the City. (Ord. 2002-15, 11-05-02) (Ord. 2007-44, 12-04-2007)

- 1. If the issues are not reconciled by the Planning and Zoning Commission, the City Council shall hear, review, and decide upon the case as outlined in Subsection "B" below. (Ord. 2002-15, 11-05-02).
- 2. Findings of the City Council shall be incorporated into the plat or map and, if found necessary by the Council, the plat or map shall be resubmitted for review by the Development Review Board, to assure conformity to the Council's decisions and other requirements.
- B. Appeal of Planning and Zoning Commission. Decisions reached by the Planning and Zoning Commission during the course of preliminary plat preparation and review, and appeals of a decision of the Development Review Board as described in Section 10-11-016-0001A, may be appealed to the City Council. An appeal shall be filed within ten (10) days of such decision with the Planning Director. The City Council shall act upon the appeal within thirty (30) days of the date upon which the appeal was filed with the Planning Director, unless circumstances beyond the control of the Council require a longer review period. In this case, the Planning Director shall notify the appellant when the appeal will be heard by the City Council, but in no case shall the review period be longer than sixty (60) days from the date the appeal is filed with the City. (Ord. 2002-15, 11-05-02) (Ord. 2007-44, 12-04-2007)