

RESOLUTION 2020-010

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING A 30-DAY PUBLIC RECORD PERIOD FOR AMENDMENTS TO CHAPTER 151 OF THE CITY CODE OF ORDINANCES, THE DEVELOPMENT CODE, AS SHOWN IN EXHIBIT A, ATTACHED HERETO; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in accordance with established policy and development code procedures, the City of Sierra Vista has proposed text amendments to the following Development Code Section and Article: Section 151.08.002-Public Improvement Standards-General Regulations and Article 151.19-Subdivision Platting Procedures and Requirements; and

WHEREAS, Article 151.31 of the Development Code requires that the City Council review and decide on all applications for text amendments; and

WHEREAS, per Article 151.31, the Planning & Zoning Commission recommended approval of the amendments to City Council; and

WHEREAS, under the provisions of Section 9-802 of the Arizona Revised Statutes, the proposed amendments to the City's Development Code shall be declared a matter of public record for a period of 30 days prior to being passed and adopted by ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

The policy of the City of Sierra Vista declaring proposed text amendments to the Development Code as a public record be, and hereby is, reaffirmed.

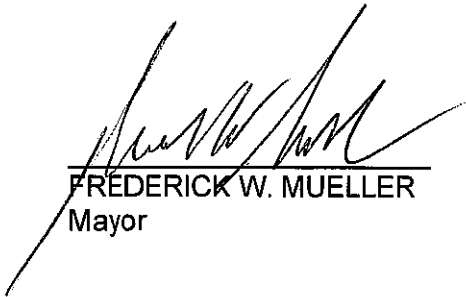
SECTION 2

That the certain document entitled Exhibit A, proposed amendments to Development Code attached hereto, copies of which are on file in the office of the City Clerk, is hereby declared a 30-day public record.

SECTION 3


That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 13TH DAY OF FEBRUARY 2020.



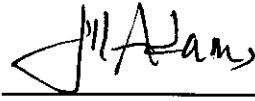
FRÉDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:



NATHAN WILLIAMS
City Attorney

ATTEST:



JILL ADAMS
City Clerk

PREPARED BY:

Jeff Pregler, AICP
Senior Planner

EXHIBIT A

ARTICLE 151.19 SUBDIVISION, LAND DIVISION, AND LOT COMBINATION PROCEDURES AND PLATTING PROCEDURES AND REQUIREMENTS

Sections:

151.19.001	<u>Purpose</u> Outline of Platting Procedures
151.19.002	<u>General Requirements</u> Pre-Application Stage
151.19.003	<u>Related Statutes</u> Preliminary Plat Stage
151.19.004	<u>Subdivisions</u> Preliminary Plat Submission Procedures
151.19.005	<u>Improvement Security</u> Final Plat Stage
151.19.006	<u>Minor Subdivisions</u> Improvement Security
151.19.007	<u>Minor Plat Amendments</u>
151.19.008	<u>Minor Lot Divisions</u> Fees
151.19.009	<u>Modifications</u>
151.19.010	<u>Fees</u>

Section 151.19.001-Purpose

- A. Assure that all minor land divisions and subdivisions are in conformance with the City's regulations regarding land development;
- B. Assure a coordinated vehicular and pedestrian circulation system;
- C. Establish minimum standards for land divisions and subdivisions;
- D. Assure that all lots or parcels are provided with infrastructure improvements and street access;
- E. Provide a consistent review process;
- F. Obtain accurate survey and permanent public record of the boundaries of lots created by the division of lands and subdivision plats;
- G. Facilitate the conveyance of land by reference to an accurate legal description by means of a recorded subdivision plat; and;
- H. Provide a convenient method of describing property being conveyed.

~~Section 151.19.001 Outline of Platting Procedures~~

~~The preparation, submission, review and official action concerning all subdivision plats, plats filed for the purpose of reverting to acreage of land previously subdivided, plats filed for the purpose of vacating streets or easements previously dedicated to the public and for plats filed for the purpose of vacating or re-describing lot or parcel boundaries previously recorded within the City shall proceed through the following progressive stages, except as provided.~~

~~A. Minor Subdivision~~

~~1. Pre-Application Stage.~~

~~2. Final Plat Stage.~~

~~B. Major Subdivision~~

~~1. Pre-Application Stage.~~

~~2. Preliminary Plat Stage.~~

~~3. Final Plat Stage.~~

~~('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86)~~

Section 151.19.002 General Requirements

A. The City shall not approve a final plat of a subdivision, land split, or lot combination unless it conforms to the provisions of this Article.

B. No person shall sell or commence any development or construction upon any portion of a proposed subdivision until a final plat has been recorded.

C. No person shall sell or commence any development or construction upon any portion of a proposed land split until a land split map has been recorded.

D. The provisions of this Article apply to all subdivisions (including a minor subdivision review process), and minor lot division as further described below, except for the following:

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

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

3. The leasing of apartments, offices, stores, or a similar space within a building or trailer park; or

4. The leasing of mineral, oil, or gas rights.

E. As used within this Article, subdivision, minor subdivision process, minor lot divisions are described as follows:

1. Subdivision:

a. A subdivision is the division of improved or unimproved land into either:

(1) Four or more lots, tracts, or parcels of land;

(2) Two or more lots, tracts or parcels of land, if a new street is involved;
or

(3) Three or more lots, tracts, or parcels, the boundaries of which have
been fixed by a recorded plat.

b. Subdivision applications are required to adhere to a multi-step review process that includes the submission of a preliminary plat for review by the Development Review Committee before it is recommended for approval by the Planning and Zoning Commission; review and approval by the City Council; and submission of public improvement plans and a final plat for review and recommendation of the Director of Community Development and City Engineer prior to approval of a final plat by the City Council for a proposed subdivision.

2. Minor subdivision process: The minor subdivision process applies to subdivisions where a maximum of ten lots is proposed to be created; all streets forming the boundary of the subdivision are existing and improved, except for sidewalks that may be included as part of the project; all utility services are available at the subdivision site boundary; and the property is not located within a 100-year regulatory floodplain area or erosion hazard setback.

3. Minor Lot Divisions:

a. A minor lot division is the division of improved or unimproved land whose area is two and one-half acres or less into either:

(1) No more than two lots, tracts, or parcels, the boundaries of which have
been fixed by a recorded plat; or,

(2) Two or three lots, tracts, or parcels located within un-subdivided
lands.

b. A minor lot division application is reviewed and approved by the Director of Community Development or designee.

Section 151.19.003 - Related Statutes.

The subdivision of land in the City of Sierra Vista is subject to the requirements and procedures of Arizona and federal law. Specifically related statutes include A.R.S. Title 9; Article 6.2 concerning municipal subdivision regulations; Title 32 concerning the sale of state lands; and Title 33 concerning condominiums.

Section 151.19.004-Subdivisions

Except as provided otherwise elsewhere in this Code, the preparation, submittal, review and approval of subdivision plats shall proceed through the following progressive steps:

~~A. Section 151.19.002 – Pre-Application Stage~~

1. The pre-application meeting provides an opportunity for the City and the applicant to review and exchange information regarding a proposed subdivision prior to the preparation and formal submittal of a subdivision plat application.

2. All applications for subdivision plats shall be prepared and processed in accordance with procedures and requirements defined in the preliminary plat application checklists, which the City will provide to the applicant at the pre-submittal meeting.

~~A. Introduction. This stage affords the subdivider the opportunity of obtaining the advice and assistance from and informally discussing the proposed subdivision with the Department of Community Development and Committee prior to the expense of a preliminary or final plat preparation. This stage of processing also affords the City and Committee the opportunity to give informal guidance at a time when potential points of conflict can be most easily resolved, subsequent relations improved, official action simplified, and undue expense and delay saved by the subdivider.~~

~~B. Development Master Plan Application. The subdivider shall confer with the City and Committee and present the graphic depiction of his proposal on one or more sheets of 24 inch X 36 inch proportions with supporting detailed information, at an appropriate scale, including but not limited to:~~

~~1. Name~~

~~a. Name of subdivision if property is within an existing subdivision.~~

~~_____ b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.~~

~~_____ c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)~~

~~_____ 2. Ownership~~

~~_____ a. Name and address, including telephone number, of legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference. If the property is held in trust, the names of all beneficiaries of the trust shall be provided.~~

~~_____ b. Citation of any existing legal rights-of-way or easements affecting the property.~~

~~_____ c. Existing covenants on the property, if any.~~

~~_____ d. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements and for surveys.~~

~~_____ 3. Description. Location of property by government lot, section, township, range and county, graphic scale, north arrow, and date.~~

~~_____ 4. Features~~

~~_____ a. Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, location, width, and names of existing or platted streets or other public ways within or immediately adjacent to the tract.~~

~~_____ b. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.~~

~~_____ c. Approximate topography extrapolated from U.S.G.S. Quad Sheets at the same scale as the sketch plat.~~

~~_____ d. The approximate location and widths of proposed streets.~~

~~_____ e. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.~~

~~f. The approximate location, dimensions, and areas of all proposed or existing lots.~~

~~g. The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.~~

~~h. Adequate information to enable the Committee to find and appraise features of the sketch plat in the field.~~

~~i. Whenever the master plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at an appropriate scale, a sketch of the proposed subdivision area, together with its proposed street system and an indication of the probable future street and drainage system of the remaining portion of the tract.~~

~~j. A vicinity map showing streets and other general development of the surrounding area.~~

~~C. Master Plan Submission, Review and Approval. The subdivider shall prepare and submit six copies of a Development Master Plan to the Department of Community Development.~~

~~The Department of Community Development shall review the submittal for conformance with the requirements of subsection B above. When the Department of Community Development has found the submittal to be in compliance, the Development Master Plan shall be submitted to the Committee. The Committee shall review the Development Master Plan for its general approach to area planning and capability of satisfying public objectives as contained in the General Plan and may request similar review and recommendation by school authorities and such other officials as it may consider appropriate. The Committee may find that the Development Master Plan provides an acceptable basis for preliminary platting or may require its modification prior to consideration of any preliminary plat by the Committee and the Commission.~~

~~D. Updating of Development Master Plan. An approved Development Master Plan shall be kept up-to-date by the subdivider as plats are subsequently submitted and approved and an up-to-date copy submitted with each preliminary plat submittal. Whenever revision of an approved Development Master Plan is proposed, the subdivider shall discuss each revision with the Committee prior to preparation and submission of any subsequent plat.~~

~~(76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2003-008, passed 4-24-03)~~

B. Section 151.19.003 Preliminary Plat Stage

The applicant shall submit the following materials in support of a preliminary plat application for a new subdivision to the Department of Community Development.

~~A. Introduction. This stage includes preparation, submission, review, and approval of the preliminary plat based on the approved Development Master Plan. Processing will be expedited by submission of all information essential to determining the intended character and general acceptability of the proposal.~~

B. 1. Information Required for Preliminary Plat Submission

a4. Form and Scale. Preliminary plat information shall be presented on one or more plan sheets of 24 inch X 36 inch proportions with written data entered directly thereon or contained in letters attached thereto. All mapped data for the same plat shall be drawn at the same standard engineering scale of 100 feet to the inch. A larger scale may be utilized with written permission of the Director of Community Development in situations which warrant its use as a result of a need to show detail which cannot be easily shown at a scale of 100 feet to the inch.

b.2. Identification Data

(1) Notation of plat as a preliminary plat.

(2)a. Proposed subdivision name, location by section, township and range, referenced by dimension and bearing to a section corner or a ¼-section corner.

(3)b. Name, address and telephone number of owner. ~~Proof of ownership shall consist of a copy of a title report, by a title company authorized to conduct business in the State of Arizona, issued not more than 30 days prior to the date of submittal.~~

(4)c. Name, address and telephone number of person preparing plat.

(5)d. Name, address and telephone number of agent.

~~If the land is owned by a corporation, proof of agency shall consist of a Corporation Resolution designating the individual to act as an agent. The Corporate Resolution must be certified by the Secretary of the corporation and authenticated by the corporate seal or acknowledged in the form prescribed in A.R.S. § 33-506.2. If the land is owned by a partnership, proof of agency shall consist of a written document from the partner(s) designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. § 33-506.3.~~

~~If the land is owned by an individual, proof of agency shall consist of a written document designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. § 33-506.1.~~

~~_____ (6)e.~~ Scale, north point, and date of preparation including any revision dates.

~~_____ (7)f.~~ A location map, not necessarily to scale, shall be drawn on the preliminary plat. It shall show the street and tract lines and names and numbers of all existing subdivisions, and the outlines of acreage parcels of land adjacent to the proposed tract.

~~_____ c.3.~~ Existing Conditions Data

~~_____ (1)a.~~ Topography by the contours related to a U.S.G.S. Survey datum ~~and shown~~ and shown on the same ~~street~~ as the subdivision layout. Contour interval shall be at least two feet for grades up to five percent, at least five feet for grades five to ten percent, and at least ten feet for grades over ten percent.

~~_____ (2)b.~~ Precise location of water wells, washes, and drainage ditches including direction of flow.

~~_____ (3)c.~~ Location, widths, and names of all dedicated streets, alleys, utility rights-of-way of public record, easements of record, public areas, and permanent structures to be retained within or adjacent to the tract.

~~_____ (4)d.~~ Name, book and page numbers of recorded plats abutting the tract or across a boundary street.

~~_____ (5)e.~~ Legal description by metes and bounds, boundary dimensions and acreage of tract.

~~_____ (6)f.~~ The approximate boundaries of all areas subject to the 100-year flood-prone area and the location, width and direction of flow of all water courses.

~~_____ (7)g.~~ The names of subdivisions which adjoin the proposed subdivision.

~~_____ d.4.~~ Proposed Conditions Data

~~_____ (1)a.~~ Street layout including location and width of all streets, alleys, crosswalks, easements and the proposed names of streets. Street layouts to include length and curve information.

~~(2)~~^{b.} Lot layout, including scale dimension of typical lots; width and depth of all corner lots and lots on street curves; each lot numbered consecutively; total number of lots; key lots/corner lots will be identified by lot number in side legend.

 ~~(3)~~^{c.} Location, width, and proposed use of easements.

 ~~(4)~~^{d.} Location, extent, and proposed use of all land to be dedicated or reserved for public use.

 ~~(5)~~ Size of each lot, in square feet or acres.

 ~~(6)~~^{e.} Location and boundary of all existing and proposed zoning districts.

~~f. Draft of proposed deed restrictions, if proposed or applicable.~~

 ~~e.~~ Proposed Phasing. A development phasing map and proposed timing schedule delineating the configuration, size in acres, and general sequence of development and dedication if the proposed subdivision is not intended to be continuously built-out in a single phase of construction.

 ~~f.~~^{5.} Proposed Utilities. All lots shall be provided public water supply and sanitary sewage.

 ~~g.~~^{6.} Water Adequacy. ~~Submission of a A~~ copy of the application submitted to the Arizona Department of Water Resources (ADWR) for water adequacy determination. ~~See Section 151.19.05, Final Plat Stage, for further information.~~

 ~~h.~~^{7.} Soil Engineering Report. A soil engineering report which shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of site to be developed by the proposed grading. The soil engineering report will include suggestions concerning erosion control of the project site during construction as well as upon completion. The City Engineer shall review the report for accuracy and make recommendations to the Director of Community Development as to the acceptability of the report.

~~8. Property Addresses. The names and addresses of all property owners within 300 feet of the exterior boundaries of the proposed subdivision.~~

 ~~i.~~^{9.} Site Hydrology Report. A site hydrology report in accordance with the criteria specified under Section 151.08.008 of this Code. ~~shall be provided for review and approval and shall conform to the criteria in Section 151.08.006. The City Engineer shall review the report for accuracy and make recommendations to the Director of Community Development as to the acceptability of the report.~~

j. Traffic Impact Analysis. A Traffic Impact Analysis (TIA) shall be prepared in accordance with Arizona Department of Transportation Traffic Engineering Guidelines and Processes unless an exemption is granted by the City based on a determination of de minimum impact.—10.—Transportation Impact Report

~~a. Purpose. A Transportation Impact Report is used to identify the transportation (traffic) impacts and problems which are likely to be generated by a proposed use. It is also used to identify all improvements required to ensure safe ingress and egress for a proposed development. The maintenance of adequate street capacity and elimination of hazardous conditions are also objectives of a Transportation Impact Report. The City may conduct a Transportation Impact Analysis (TIA) if it is deemed necessary, based on a proposed development land use and anticipated impact on the City's transportation system. If the applicant desires to conduct an independent TIA, it shall be submitted to the City.~~

~~b. Applicability. A transportation impact report shall be required in the following cases:~~

~~(1) Any development which proposes to take direct access to any collector or arterial road.~~

~~(2) Any residential development which proposes to have more than 25 dwelling units.~~

~~(3) Any use which, according to the City, will generate in excess of either 250 trips per acre per day or 100 trips per day.~~

~~c. Contents of Transportation Impact Report. The transportation impact report shall be prepared by a professional traffic engineer and contain the following data and information:~~

~~(1) General Site Description. A detailed description of the street network within one mile of the site, a description of the proposed land uses, the anticipated stages of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following items: (a) all major intersections, (b) all proposed and existing ingress and egress locations, (c) all existing roadway widths and rights-of-ways, (d) all existing traffic signals and traffic control devices, (e) all existing and proposed public transportation services and facilities within a one mile radius of the site.~~

~~In addition, any changes to the street network within .5 mile of the site, proposed by any governmental agency, shall be described. This description shall include the above items as well as any proposed construction project that would alter the width and/or alignment of the present highway.~~

~~_____ (2) Description of Existing Traffic Conditions. A report based on the following shall be provided:~~

~~A 24-hour traffic count shall be conducted for a period of five weekdays (Monday-Friday) on all streets which have direct access to a proposed development site. The existing average daily traffic volume and the highest average peak hour volume for any weekday shall be recorded.~~

~~These traffic volumes shall be averaged to determine the average hourly peak traffic volume for the five days between Monday and Friday.~~

~~_____ (3) Transportation Impact of the Development. The average weekday trip-generation rate between 3 PM and 6 PM for the proposed use shall be determined from the table contained in this subsection or from figures provided by a qualified traffic engineer. A report shall be made detailing the nature and extent of the trip-generation expected to result from the proposed development.~~

~~_____ (4) Determination of Roadway Service Level~~

~~_____ (a) Calculate service volumes. Roadway service volumes shall be calculated at level of service B for roads identified as collectors. Critical elements to be considered in this calculation are: lane width and number of lanes, restricted lateral clearance, the service volume/capacity ratio, percentage of site passing distance greater than 1,500 feet, percentage of trucks, grade, and operating and average speeds. Data and procedures contained in the Highway Capacity Manual, Special Report 87, published by the Highway Research Board, shall be utilized in deriving the data required by the transportation impact report.~~

~~Service volume for the given level of service (C for arterials, D for collectors) will be computed directly from capacity under ideal conditions using the adjustment factors for level of service and the critical elements listed above. The specific tables to be used vary, depending on whether the roadway being analyzed is a multi-lane or two-lane highway.~~

~~_____ (b) Calculate whether the roadway is currently operating at the required level of service. The roadway is considered to be operating at or above level of service C (inclusive of levels A and B) if the service volume computed in Subsection B is greater than the hourly peak volume for the period between 3 PM and 6 PM. All arterial roadways operating below level of service C (inclusive of levels D, E and F) shall be identified as congested locations. Similarly, the roadway is considered to be operating at or above level of service B (levels A, B and C) if the service volume computed in Subsection B is greater than the hourly peak volume for the period between 3 PM and 6 PM. All collector roadways operating below level of service B (inclusive of levels E and F) shall be identified as congested locations.~~

~~_____ (5) Determination of Intersection Service Level~~

~~_____ (a) Calculation of intersection capacity at levels of service B and C. A load factor analysis shall be conducted for a period of five weekdays (Monday-Friday) on all intersections within 0.5 mile of a proposed site. The highest average hourly load factor between 3 PM and 6 PM shall also be recorded. A maximum load factor of 0.3 will be allowed for intersections involving two arterials or an arterial and one collector roadway. All such intersections with a load factor greater than 0.3 are operating below level of service C (inclusive of levels D, E and F) and shall be identified as congested locations.~~

~~A maximum load factor of 0.7 will be allowed for intersections involving two 151.19-10 collector roads. All such intersections with a load factor greater than seven-tenths 0.7 are operating below level of service D (levels E and F) and shall be identified as congested locations.~~

~~This load factor will represent the highest average for the five days between Monday and Friday. A load factor analysis is an indicator of the level of service at which an intersection is functioning. The calculation required by this section will identify intersections that are presently operating above capacity for levels of service B and C.~~

~~_____ (b) Determine capacity of intersections within one-half mile of proposed site at levels of service B and C. For intersections, which currently are operating with a load factor below 0.3 during the peak afternoon period, the intersection capacity for level of service C shall be determined. For intersections currently operating with a load factor below 0.7 during the peak afternoon period, the intersection capacity for level of service C shall be determined. This calculation will require that a traffic count be conducted for a five day period between Monday and Friday at all affected intersections. Peak hour volume between 3 PM and 6 PM shall also be recorded. The traffic count shall determine: (1) percentage of right-hand turns, (2) percentage of left-hand turns, (3) percentage of trucks and (4) peak hour factor.~~

~~_____ (6) Analysis of Transportation Impact. The projected total future peak hour traffic demand shall be calculated for all roads fronting on a proposed site and all intersections within .5 mile of the site. This demand shall consist of an assumed normal increase of traffic volume of 1 percent per year (unless traffic engineering studies indicate a different rate of increase) and the anticipated traffic that will be generated by the proposed development. An analysis shall be undertaken to determine if roadways and intersections will operate at the appropriate level of service following completion of the development given the future peak hour traffic that will be generated by the proposed development. This analysis consists of the comparison of the total future peak hour intersection and roadway traffic demand with the service volumes for levels C and D computed in Subsection C above. All roadways and intersections that would operate below the required level of service following completion of the development shall be considered deficient.~~

~~_____ (7) Maintenance of Levels of Service B and C. Whenever level of service is determined to be below level C in the case of arterials or below level B in~~

~~the case of collectors, development is not permitted unless the developer makes the roadway or other improvements necessary to maintain level of service B or C respectively. The City, at the option of the Council, may enter into an agreement with the developer and/or potential third party to provide funds for a proportional share of improvement costs necessary to maintain Level of Service C for arterials and Level of Service B for collectors.~~

~~(8) Traffic Control Devices. Whenever, as the result of additional traffic generated by a proposed development, the Manual determines the need for a traffic signal or regulator sign, the developer shall be responsible for installing all said devices and signs after approval by the City.~~

~~(9) Large Developments (Over 250 Vehicle Trips Generated Per One Hour Period Between 3 PM and 6 PM)~~

~~(a) The impact report for developments which will generate between 250 and 1,000 trips during the peak hour shall, pursuant to Section 3 above, involve an analysis of all arterial and collector roadways and all intersections within one mile of the proposed site.~~

~~(b) The impact report for developments which will generate over 1,000 trips during the peak hours shall involve an analysis of all arterial and collector roadways and all intersections within 3 miles of the proposed site. In addition to the traffic survey, an analysis of the intersection shall be undertaken. This analysis will determine the current width of the intersection and green time to cycle time ratio (G/C ratio).~~

2. Condominium Subdivisions. A preliminary plat submittal for a condominium subdivision shall include the following additional information as required by A.R.S. § 33-1219:

a. The name of the condominium;

b. The boundaries of the condominium and a legal description of the real estate of 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 in which the unit owner will only own an estate for years, labeled as a "leasehold condominium";

i. The distance between noncontiguous parcels of real estate comprising the condominium;

j. The location and dimensions of limited common elements, including porches, balconies, patios and entryways;

k. Any other matters the declarant deems appropriate.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 834, passed 3-9-89; Am. Ord. 854, passed 1-25-90; Am. Ord. 875, passed 1-10-91; Am. Ord. 896, passed 1-23-92; Am. Ord. 954, passed 6-9-94; Am. Ord. 966, passed 2-23-95; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2003-008, passed 4-24-03)

3. Preliminary Plat Approval ~~Section 151.19.004 Preliminary Plat Submission Procedures~~

a. The Department of Community Development shall receive, review, and process the preliminary plat in order to determine its submittal compliance with the provisions of this Code.

b. In addition to the requirements of the preceding subsections, the applicant shall provide the Director of Community Development and City Engineer with any additional information, documents, or other material relevant to the application as required by City codes and regulations that are necessary for the Director of Community Development, Planning and Zoning Commission, and City Council to evaluate, analyze, or understand the subject matter of the application .

~~A. Submission Dates. An application for plat approval, together with 20 copies of the preliminary plat; three copies of the required supporting data prepared in accordance with Section 151.19.003.B of this Article; proof of ownership; and proof of agency shall be filed with the Department of Community Development at least 25 working days prior to the regular Commission meeting at which the subdivider may be heard. The Department of Community Development shall record the date of filing.~~

~~The time of filing of the preliminary plat shall be the time at which the same, with all required accompanying data, is received by the Department of Community~~

~~Development. The Department of Community Development shall indicate the date of filing upon all copies of the preliminary plat and accompanying data. A filing fee, as established by resolution of the City Council, shall be paid at the time of filing the preliminary plat. No filing fee shall be required for additional preliminary plats covering the same tract or revisions of the initial map filed prior to the Commission action.~~

~~B. Preliminary Plat Review. The Director of Community Development shall receive, review, and process the preliminary plat in order to determine its compliance with the provisions of this Code. The Director of Community Development shall distribute copies of the plat to the following officials:~~

c. The Department of Community Development shall distribute the preliminary plat to all the following reviewers or their designees:

~~1. Department of Community Development for review of existing and proposed conditions data relating to streets, drainage, flood control, water supply, sewage disposal facilities, conformance to General Plan and identification data, and for review of conformance to current and proposed zoning.~~

~~(2) City Engineer Director of Public Works for review of maintenance or operational considerations.~~

~~3. The City Attorney for review of conformance to the Code.~~

~~4. Police Chief for review of traffic circulation pattern and potential traffic hazards.~~

~~(2) 5. Fire Marshal Chief for review of access routes.~~

~~(3) 6. Superintendent of the appropriate school district (residential subdivisions only) for his information.~~

~~(4) 7. Local postmaster for his information.~~

~~(5) Utility Companies~~

~~(6) Public agencies that have abutting jurisdictional boundaries; and~~

~~(7) Others as deemed necessary.~~

~~8. County Engineer and County Director of Planning if proposed subdivision abuts Cochise County.~~

~~9. Others as deemed necessary by the Director of Community Development, including appropriate utility companies.~~

~~Each of the recipients shall, within ten working days after the plat has been transmitted, return to the Director of Community Development a written report on their findings and recommendations on the preliminary plat.~~

d.C. The Department of Community Development Notice to Property Owners. ~~The city~~ shall notify all property owners within ~~300~~500 feet of the exterior boundaries of the proposed plat ~~that it is available~~ for review and comment.

e.D. The preliminary plat shall be reviewed to ensure compliance with all pertinent code and legal requirements, including, but not limited to, codes regulating streets, sidewalks, zoning, floodplain, drainage, grading, fire, water, and utility company regulations. ~~Results of Review Process. If the preliminary plat does not meet the requirements of this Code, the Director of Community Development should immediately provide the subdivider or his authorized agent a written notification of all deficiencies found in the review process. Once the plat meets all of the requirements of this Code, the preliminary plat shall be transmitted to the Committee.~~

f. If the City finds that the preliminary plat requires revisions then the following procedure shall be followed:

(1) Comments will be returned to the subdivider or subdivider's agent identifying the necessary revisions for compliance.

(2) The subdivider shall resubmit the revised plat with response comments explaining any revisions made to the plat.

(3) The subdivider will continue to resubmit the plat and response comments until all review comments have been satisfactory addressed.

4.E. Committee Action. The Development Review Committee shall hear all requests for preliminary plats following compliance with all staff review comments. The Committee may consider the requirements of this Code and other City ordinances, pertinent State regulations, and comments from other public agencies. The Committee shall recommend approval if the plat is in compliance with all applicable requirements. The Director of Community Development or designee shall coordinate and summarize the Committee's recommendation for presentation to Council.

~~After meeting to review the preliminary plat, the Development Review Committee shall prepare a written report on its findings and recommendations. This review may consider the requirements of this Code and other City ordinances, pertinent State regulations, and comments from other public and utility agencies. The report shall be submitted to the Commission with a copy to the subdivider or authorized agent.~~

5.F. Commission Action

a. Following a review and recommendation by the Committee, the Commission shall consider the plat at a regular or special meeting.

b. The Commission shall review the plat and recommend approval to

the City Council if the plat complies with all applicable code requirements. The Director of Community Development or designee shall coordinate and summarize the Commission's recommendation for presentation to Council.

~~1. After receiving the report from the Committee, the Commission shall consider the preliminary plat at a regular or special meeting.~~

~~2. If satisfied that all requirements and objectives of this Code have been met, the Commission shall find preliminary approval by passing a resolution, and transmitting a copy of the resolution to the Council.~~

~~3. Approval of a preliminary plat by the Commission shall be supported by findings:~~

~~a. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.~~

~~b. That the site is physically suitable for the type of development.~~

~~c. That the site is physically suitable for the proposed density of development.~~

~~d. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.~~

~~e. That the design of the subdivision or the type of improvements are not likely to cause serious public health problems.~~

~~4. The Commission may recommend the plat to the Council for approval, disapproval, or approval with conditions.~~

6.G. Council Action.

a. After the Commission has made its recommendations, the Department of Community Development shall transmit the plat, with the Commission and staff recommendations, to the Council for its review and action. The Council can either approve or deny the plat.

b. Denial. If the Council denies the plat, the minutes shall state the reasons for the denial. The preliminary plat application may be re-filed at any time if revisions can resolve the reasons for the denial as originally proposed. The new filing of a preliminary plat application for the same plat, or any portion thereof, shall be treated as a new project and will follow the procedures and requirements specified in the

Section.

7. Findings of Fact

a. Both the Commission and the Council are required to provide a Findings of Fact when recommending approval of the plat. The following Findings of Fact shall be included in the Resolution approving the plat:

(1) That the design or improvement of the proposed subdivision is consistent with the applicable general and specific plans;

(2) That the site is physically suitable for the type of development;

(3) That the site is physically suitable for the proposed density of development;

(4) That the design of the subdivision or the type of improvements are not likely to cause serious public health problems;

7.H. Significance of Approval.

a. Approval of a preliminary plat by Council constitutes authorization for the subdivider to proceed with the preparation of the final plat and **public works** improvement plans.

b. Preliminary plat approval is subject to the following conditions:

(1) Changes in conditions such as the land's physical attributes, title conditions, ownership and similar changes that make development of the affected land in accordance with the approved plat infeasible shall require the submission of a new or revised preliminary plat.

(2) A preliminary plat expires two years from the date of council approval unless:

i. A final plat has been submitted for all or a portion of the property included in the preliminary plat in which case the preliminary plat approval shall be automatically extended for a period of two years, or

ii. An extension of time is granted by the City Council for good cause. The review of the extension request shall include an evaluation of any change in conditions within or adjoining the preliminary plat and the effect of new or current regulations on the project. Requests for a time extension shall be submitted a minimum of thirty days prior to the expiration date in writing to the Director of

Community Development; or

iii. An injunction or a court order requiring that the subdivision plat process cease. The platting process can commence, once the court order has been lifted, at the point in the review process where the plat had originally ceased.

(3) Once a final plat has been approved for a portion of the land area included within an approved preliminary plat, the approval of the preliminary plat shall be extended for the balance of the land area for a period of two years from the date of council approval of the final plat.

(4) If a preliminary plat expires prior to the submittal of an application for a final plat or prior to the submittal of a request for an extension of the preliminary plat approval, the preliminary plat shall be resubmitted as a new application. If the resubmitted preliminary plat has substantially the same design and configuration as the previously approved plat and no substantive changes have occurred in the standards and requirements, the fees associated with the new application shall be 50% of the original application fees.

~~Preliminary or conditional approval is valid for a period of 12 months from date, and may be extended once at the discretion of the Council for six months from the expiration date of the original approval upon written request of the subdivider prior to expiration of approval. If the approval expires prior to filing the final plat, improvement plans, and supporting data, the preliminary plat shall be resubmitted for approval as a new case and a new fee paid. If a Committee review of a resubmitted plat reveals no substantial change from the previously approved preliminary plat, and that conditions under which previous approval was granted have not changed, the resubmitted plat shall be scheduled for consideration by the Council at its first regular meeting thereafter.~~
(76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 875, passed 1-10-91; Am. Ord. 947, passed 3-10-94; Am. Ord. 954, passed 6-9-94; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2003-008, passed 4-24-03; Am. Ord. 2004-014, passed 12-9-04)

C. ~~Section 151.19.05~~ Final Plat Stage

The applicant shall submit a final plat application and supplemental documents as stated on the final plat application.

~~A. Introduction. This stage includes final design of the subdivision, engineering of public improvements, submittal of plat and plans by the subdivider, plat review by the staff and Committee, and final approval by the Council.~~

1.B. Information Required for Final Plat ~~Submission~~

a.4. Preparation of Final Plat. The final plat shall conform closely to the approved preliminary plat and be prepared in accordance with the provisions of this Code.

b.2. Medium of Presentation

~~(1)a.~~ The final plat shall be ~~drawn in India ink on clear polyester film (mylar)~~, on a sheet or sheets of 24-inch X 36-inch proportions. All stamped or written matter, including signatures, shall be made with permanent opaque ink so that legible prints may be obtained therefrom. When the final plat consists of two or more sheets, one key map showing the relationship of the tract portions on the sheets shall be placed on the first sheet, and each sheet shall clearly indicate the sheet number and total number of sheets.

~~(2)b.~~ The plat shall be drawn to an accurate scale of 100 feet to 1 inch. A larger scale may be used with the written permission of the Director of Community Development in situations which warrant its use as a result of a need to show detail which cannot be easily shown at a scale of 100 feet to 1 inch.

~~c.~~ ~~Twenty copies of the final plat shall be reproduced in the form of blueline or blackline prints on white background.~~

~~d.~~ ~~The subdivision developers shall provide the City with an electronic copy of the final plat for inclusion in the City Base Map. The file shall be compatible with the release of AutoCAD currently being used by the City. The file shall include all lot lines, easement lines, right-of-way lines, tracts, alleys and other features associated with the boundaries and lot lines of the subdivision. The information contained in the file shall incorporate the horizontal and vertical datum currently adopted by the City. If the developer fails to provide the file(s), the City will duplicate the information from the plans and charge the developer for the time and materials required for the work.~~

c.3. Identification Data

~~(1)a.~~ Name of subdivision and location by Ssection, Ttownship, Rrange, and County.

~~(2)b.~~ Name, address, and registration number or seal of the registered land surveyor preparing the plat.

~~(3)c.~~ Scale, north point, and date of plat preparation.

~~(4)d.~~ Legend identifying the symbols utilized in the plat preparation; corner lots abutting a key lot will be identified in a legend by lot number with the following notation: "Building setback exceeds standard side yard setback (see zoning requirements)."

~~(5)e.~~ Precise legal description by metes and bounds of tract boundaries.

~~d.4.~~ Survey Data

 ~~(1)a.~~ Boundaries of the tract fully balanced and closed, showing true point of beginning and all bearings and distances determined by an accurate survey in the fields; all dimensions expressed in feet and decimals thereof.

 ~~(2)b.~~ Any exceptions within the plat boundaries located by bearings and distances measured in feet and decimals thereof determined by an accurate survey.

 ~~(3)c.~~ Location and description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat are referenced; two corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter section corners. The directional datum for all bearings shall be indicated by actual survey.

 ~~(4)d.~~ Location and description of all physical encroachments upon the boundaries of the tract.

 ~~e.5.~~ Descriptive Data

 ~~(1)a.~~ Name, right-of-way lines, courses, lengths, widths of all public streets, alleys, crosswalks, and utility easements; radii, points of tangency, and central angles of all curvilinear streets and alleys; radii of all rounded street line intersections.

 ~~(2)b.~~ All drainageways designated as such and dedicated to the public. ~~c.~~ All utility and public service easements including any limitations of easements ~~(construction within such easements shall be limited to utilities, landscaping, and wood, wire, or removable section type fences).~~

 ~~(3).~~ The sidelines of all existing and proposed easements shall be shown by fine dashed lines. If any easement already on record cannot be definitely located, a statement of the existence, the nature thereof, and its recorded reference must appear on the title sheet. Distance and bearings on the sidelines of lots which are cut by an easements shall be arrowed or shown so that the map will dictate clearly the actual length of the lot lines. The widths of all easements and sufficient ties thereto be located definitely the same, with respect to the subdivision, must be shown. All easements must be clearly labeled and identified. If an easement shown on the map is already of record, its recorded reference must be given. If an easement is being dedicated on the map, it shall be set out in the owner's certificate for dedication.

 ~~(4)d.~~ Location, ~~and~~ dimension, and area (square feet or acres) of all lots. All lots numbered consecutively throughout the plat; exceptions and tracts shall be dimensioned and identified by letter or number. In areas subject to flooding,

minimum finished first floor elevations shall be shown as may be recommended by the appropriate authority;

(5) 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 Sierra Vista”.

_____(6)e. Tract boundary of the subdivision shall be clearly delineated. Location, dimension, bearings, radii, arcs, and central angles of all sites to be dedicated to the public and the use specified.

_____(7)f. Location of all adjoining subdivisions with date, book, and page number of recordation noted or, if unrecorded, so marked.

_____(8) For subdivisions as defined under A.R.S. § 32-2101, provide a note stating: The Arizona Department of Water Resources issued a determination of adequate water supply on (date).

~~g. Any private deed restrictions to be imposed upon the plat or any part(s) thereof, typewritten and included with the plat and to each copy thereof.~~

~~f.6.~~ Final Plat Certificates. The following certificates and acknowledgments shall appear on the final plat. Such certificates shall be lettered or printed legibly with permanent opaque ink and shall be signed and dated as prescribed hereafter.

_____(1)a. A certificate signed and acknowledged by all persons holding title by deed to the lands or if lands dedicated or held in trust, the trustee shall sign the certificate, or if land is to be dedicated or mortgaged, the mortgagee shall also sign their certificate. Said certificate to indicate that it is the owner's intention to subdivide and plat the land shown and described hereon and that the public right-of-way shown hereon is hereby dedicated to the public for public use forever and that the easements shown hereon are not dedicated to the public, but the right to use said easements for the purposes indicated is perpetually reserved for the public and no permanent building or structure shall be constructed upon said easements.

_____(2)b. A certificate executed by a land surveyor registered to practice in the State of Arizona under whose direction the survey, subdivision, and plat of the land described on the said plat was made; stating that the plat is a correct representation of all the exterior boundaries of land surveyed and the subdivision of it; stating that he has prepared the description of the land shown on the plat and that he

certifies to its correctness; stating that the bearings shown on the plat are expressed in relation to the true meridian or previously established meridian or bearing and that all existing monuments shown on the plat are actually located in the ground and their location, size, and material are correctly shown. The certificate shall include the registration number, seal, and signature of the registered land surveyor.

 ~~(3)e.~~ A certificate executed by a land surveyor registered to practice in the State of Arizona that all monuments are set in accordance with the provisions of this Code. The certificate shall include the registration number, seal, date, and signature of the registered land surveyor.

 ~~(4)d.~~ A certificate to be signed by the City Clerk that the Council approved the final plat and showing the date of approval.

 ~~(5)e.~~ A certificate to be executed by the Cochise County Recorder showing the date, time of day, fee number, book, and page number of recordation.

~~f. For subdivisions as defined under A.R.S. § 32-2101, provide a note stating: The Arizona Department of Water Resources issued a determination of adequate water supply on (date).~~

 ~~g.7.~~ Water Adequacy

 ~~(1)a.~~ Pursuant to A.R.S. § 9-463.01.J and Cochise County Resolution 08-20 the Mayor and City Council shall not approve a final plat for a subdivision, as defined under A.R.S. § 32-2101 unless one of the following applies:

 ~~i.1.~~ The Director of Water Resources has determined that there is an adequate water supply for the subdivision and the subdivider has included the report with the plat.

 ~~ii.2.~~ The subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply by the Director of Water Resources.

2. ~~Review and Approval~~C. ~~Final Plat Submittal Procedures~~

a. The Department of Community Development shall receive, review, and process the final plat and improvement plans in order to determine its submittal compliance with the provisions of this Code.

b. The Department of Community Development shall distribute the final plat and improvement plans to the Public Works Department and Fire Department for review and comment.

c. The final plat and improvement plans shall be reviewed to ensure

compliance with all pertinent code and legal requirements, including, but not limited to, codes regulating streets, sidewalks, zoning, floodplain, drainage, grading, fire, water, and utility company regulations.

d. If the City finds that the final plat and improvement plans require revisions, then the following procedure shall be followed:

(1) Comments will be returned to the subdivider or subdivider's agent identifying the necessary revisions for compliance;

(2) The subdivider shall resubmit the revised plat and improvement plans with response comments explaining any revisions made to the plat;

(3) The subdivider will continue to resubmit the plat, improvement plans, and response comments until all review comments have been satisfactory addressed.

(4) Public Works shall stamp the improvement plans approved following compliance of all local, state, and federal provisions.

e. After all comments have been satisfactorily addressed, the subdivider shall submit the final plat on clear polyester film (mylar) with all certificates in Section 151.19.004(C)(1)(f) duly executed.

~~1. Pre-Submission Requirements. The final plat shall meet all requirements of the zoning district in which it is located, and any necessary zoning amendment shall have been adopted by the Council prior to filing of the final plat.~~

~~2. Submission Requirements. At least 20 working days prior to the Council meeting at which the plat may be considered, the subdivider shall file with the Director of Community Development for review by the Committee, the following:~~

~~a. The final plat.~~

~~b. Twenty copies of the final plat.~~

~~c. The recordation fee as established by the County Recorder.~~

~~d. Three copies of the street improvement plans.~~

~~e. Three copies of the sewer improvement plans.~~

~~f. The final drainage reports and three copies of associated drainage improvement plans. A grading plan with cut and fill quantities shall be included.~~

~~g. Three copies of the utility plan(s); said plan(s) shall show proposed line locations and proposed construction details to indicate the configuration and construction of any trenches, the location and outside dimensions of terminal boxes, transformers, vaults, closures, poles, telephone risers, fire hydrants, valve boxes and similar appurtenances relating to all electrical, lighting, gas, telephone, and cable television improvements/ facilities to be constructed within public rights-of-way or easements being grated for public use.~~

~~h. Letters from all affected utilities indicating concurrence with the final plat, or the utility may send a letter directly to the Department of Community Development, which shall be construed as evidence of satisfaction of utility easement requirements.~~

~~i. One original of the project engineer's cost estimate of public improvements.~~

~~j. Calculation sheets, in a form approved by the Director of Community Development, giving coordinates of the boundary of the subdivision, blocks, and lots therein.~~

~~k. Report and guarantee of clear title. The final plat shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said plat and to the dedication of the streets, alleys, and other public places shown on the map, and certifying that, as of the date of the execution of the dedications in the plat, the person(s) therein named are all the person(s) necessary to give clear title to said subdivision.~~

~~l. A filing fee, as established by resolution of the Council, shall be paid at the time of filing the final plat.~~

3. Committee Action

The Committee shall review the final plat for conformance with the approved preliminary plat. The Committee shall make their recommendation of conformance to City Council. The Director of Community Development or designee shall coordinate and summarize the Committee's recommendation for presentation to Council.

D. Final Plat Review

~~1. If the Department of Community Development finds that the submittal is complete and if the final plat substantially conforms to the approved preliminary plat, the Director of Community Development shall transmit a copy of the plat and the improvement plans to the Committee.~~

~~2. The Committee shall review the final plat for conformance with the approved preliminary plat. If it does not conform to the approved preliminary plat, it shall be returned and the filing date shall be voided. The Director of Community Development shall inform the subdivider of the problems with the final plat.~~

~~3. The Director of Community Development shall coordinate and summarize the Committee's recommendation for presentation to the Council. If the final plat needs correction, it shall be returned to the subdivider who shall resubmit it prior to placement on the Council agenda together with a reproducible copy of the final plat which has been prepared using an archival photographic image process conforming to standards established by the American National Standards Institute, on a polyester material .004 of an inch thick with a matte finish.~~

~~4.E. Council Action and Recordation~~ Final Plat Approval and Recordation

~~a.4. Upon approval of the public works improvement plans and receipt of the improvement security provided in accordance with the provisions of Section 151.19.0056, the Director of Community Development shall notify the City Clerk, and the City Clerk shall enter the~~ to include the final plat on the next regular ~~agenda of the regular~~ Council agenda meeting whereupon the Council shall approve or reject the plat.

b. If the Council approves the plat, the City Clerk shall execute the appropriate certificate of approval upon the plat, first making sure that the other certificates required in Section 151.19.004(C)(1)(f) of this Code have been duly executed.

~~2. If the Council rejects the plat for any reason whatsoever, the reasons therefore shall be recorded in the minutes. If the Council approves the plat, the City Clerk shall execute the appropriate certificate of approval upon the plat, first making sure that the other certificates required in Section 151.19.005.B.6 of this Code have been duly executed.~~

c.3. After approval of the final plat by the Council, the Department of Community Development shall record the plat in the Office of the Cochise County Recorder and pay the recordation fee. One copy of the recorded plat shall be retained by the Department of Community Development.

d. Amendment. If the Council finds that the plat requires revisions, the application shall be tabled until the revisions can be satisfactorily accomplished and the application rescheduled for Council action.

e. Denial. If the Council denies the plat, the minutes shall state the reasons for the denial. The final plat application may be re-filed at any time if revisions can resolve the reasons for the denial as originally proposed. The new filing of a final plat application for the same plat, or any portion thereof, shall be treated as a new

project and will follow the procedures and requirements specified in this Section.

(’76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 834, passed 3-9-89; Am. Ord. 875, passed 1-10-91; Am. Ord. 947, passed 3-10-94; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2003-005, passed 2-13-03; Am. Ord. 2003-008, passed 4-24-03; Am. Ord. 2008-018, passed 11-13-08; Am. Ord. 2018-002, passed 2-8-18)

Section 151.19.0056 Improvement Security

A. Acceptable Forms of Security

Before a subdivision plat is presented to the Council for approval, the subdivider shall post assurances, in a form acceptable to the City, to assure the installation of required public improvements. All required improvements shall be designed and constructed in accordance with the latest revision of the Uniform Standard Specifications for Public Works Construction and the Uniform Standard Details for Public Works Construction as compiled by the Maricopa Association of Governments (MAG), and the City of Sierra Vista Public Works Engineering Design Standards and Drawings, as modified and adopted by the Council. Other standards pertaining to any required improvements shall be approved by the City. The purpose of the assurances shall be to guarantee that the improvements are installed in a timely manner and paid for without cost to the City. The City Council accepts the improvement security when the associated final plat is approved.

1. Financial forms of assurance, including cash, letter of credit, performance bond, certificate of deposit, or other similar instruments, shall be filed in the office of the City Clerk in an amount equal to the sum of the cost of construction for all required improvements, including surveying, construction management, testing, and inspections, as determined by the City Engineer. All financial form of assurances for the installation of required improvements on private property shall grant to the town adequate property rights as determined by the City Attorney to allow the City or the City's contractor to complete the installation. Where, in the opinion of the Council, the subdivider has failed or neglected to install the required improvements or make required corrections within a timely manner, or to pay all liens in connection with the required improvements, the Council may use the proceeds from the assurances to install or cause to be installed the required improvements.

2. Third party trust forms of assurance prohibiting the transfer of any individual subdivision lot or block for which required subdivision improvements have not yet been installed, are permitted in lieu of financial forms of assurance.

B. Completion of Public Improvements

1. The required public improvements shall be completed and accepted within

two years of final plat approval. If the plat is phased, only the public improvements for each individual phase that was approved are required to be completed within two years. Exceptions to the two year completion date are as follows:

a. The council grants an extension for good cause. The review of the extension request shall include an evaluation of any change in conditions within or adjoining the final plat and the effect of new or current regulations on the project. Requests for a time extension shall be submitted a minimum of thirty days prior to the expiration date in writing to the Director of Community Development; or

b. An injunction or a court order requiring that the subdivision plat process cease. The platting process can commence, once the court order has been lifted, at the point in the review process where the plat had originally ceased.

c. The developer may elect to construct the sidewalks in conjunction with each individual platted lot. In this instance the subdivider is required to complete the entire sidewalk either when all the homes in the subdivision or phase of the subdivision have been constructed or within 5 years from issuance of the first building permit of each subdivision phase, whichever is earlier. Except that, portions of sidewalk not providing vehicular access to the lot, required sidewalk ramps and required accessible routes shall be completed within the two year improvement period.

(1) In this instance, a separate financial security will be required. The financial form of assurance, shall be as stated in Section 151.19.005(A)(1) and be in an amount equal to the sum of the cost of construction. The security shall be filed in the office of the City Clerk.

2. The subdivider may submit a written request to extend the completion of the public improvements. The request shall include the reasons why the improvements cannot be completed within the stated completion period, and provide a revised deadline for completion.

a. The request for extension shall be considered by the council, whose decision shall be final.

3. A Subdivider's Agreement shall be submitted concurrently with the improvement security. The Agreement is a contract between the City and the subdivider which defines the obligations of the subdivider as they relate to the improvement security, the time frame for completing the public improvements, and the parameters for the City's acceptance of the improvements. The City Council accepts the Subdivider's Agreement when the associated final plat and improvement security are approved and accepted.

C. Release of Assurances

1. Inspections and Acceptance of Improvements. Once all items in this section are submitted and, upon due notice from the developer of presumptive completion of all public improvements as called for on the approved plans and required under the provisions of this Code, the City will make an inspection. If all construction is completed to the City's satisfaction, this inspection shall constitute the final inspection and the Director of Community Development will recommend to Council, by Resolution, the final acceptance of the public improvements for maintenance.

a. Final As-Built Plans. The developer shall provide the City with an electronic copy of as-built improvement plans for inclusion in the City Base Map. The file(s) shall be compatible with the release of AutoCAD currently being used by the City or any additional electronically approved format. The as-built plans shall show all streets, drainage, sewer, and water improvements constructed within public rights-of-way or public easements. Final as-built plans shall show the approved design conditions and reflect any field changes approved by the City Engineer and the developer's engineer. The developer's engineer shall certify that the final plans represent as nearly as possible the actual field conditions of all improvements as constructed.

b. Developer's Guarantee and Waiver of Liens. The developer shall certify on the Developer's Guarantee and Waiver of Liens form that is provided by the City that all bills for labor and materials used in the work have been paid and agree to indemnify and save harmless the City against any and all liens, claims of liens, suits, actions, damages, charges, and expenses whatsoever, which the City may suffer arising out of the failure of the developer to pay for all labor performed and materials furnished in the construction of the required improvements. Also, the developer shall guarantee all public improvements work against defective workmanship or materials for a period of two years from the date of its final acceptance by the Council.

c. Assurance Security. A security shall be provided to the City to substantiate the validity of the Developer's Guarantee. The amount of the security shall be \$200 per lot. The security shall be retained until the two-year warranty period has elapsed. The security shall consist of cash, a performance bond, a certificate of deposit or other assurance as approved by the City, which meets the requirements in Section 151.19.005(A)(1), Acceptable Forms of Security.

2. Partial Release of Assurances

a. Partial Release of Residential Subdivision Assurances for Third Party Trusts.

(1) Where a third party trust is provided as assurance for completion of improvements, a partial release of a portion of the subdivision or approved phase of a subdivision may occur, prior to the completion of all improvements,

provided the partial release is proportional to the level of completion of improvements.

(2) Up to 75 percent of the lots held in a third party trust in any particular phase may be released prior to completion and acceptance of the public improvements. Any lot(s) released shall be served by the completed and inspected public improvements. Partial releases greater than 75 percent or a final release may be granted only when all of the assurable subdivision improvements have been completed, inspected, and accepted by the City.

b. Commercial Subdivisions for Third Party Trust Release

Up to 60 percent of the lots in any particular phase may be released prior to the completion and acceptance of the public improvements. Any lot(s) released shall be served by the completed and inspected public improvements. Partial releases greater than 60 percent or a final release may be granted only when all of the assurable subdivision improvements have been completed, inspected, and accepted by the City.

c. Reduction or Partial Release of Monetary Assurances

Where a bond, letter of credit, certificate of deposit, or other monetary assurance is provided, the amount of the assurance may be reduced upon partial completion of construction, but, only in a ratio that the improvement(s) bears to the total improvements indicated on the plat. Where a subdivider completes the required improvements for a portion of the final plat, monetary assurances for such improvements may be reduced only where the improvements can be used and maintained independently of remaining improvements required for the entire plat. In no case, may more than 75 percent, or 65 percent for commercial projects, of the total monetary of assurances be released prior to completion and acceptance of all improvements.

3. Substitution of Assurances

Where a third party trust is provided as assurance for completion of improvements, a substitute assurance may be submitted for review. The substitute trust includes those portions of the subdivision to be covered. Additional substitute assurances may be needed to be in place so that all of the assurable infrastructure that needs completion is covered. The Third Party Trust or other type of assurances may be entirely substituted by another form of assurance using cost estimate procedures based on the remaining improvements.

4. Additional Assurances

Notwithstanding assurances provided, if the Community Development Director, determines that grounds exist that could result in commercial insecurity that the required improvements will be completed, additional assurances may be required of

the subdivider. The neglect or refusal of the subdivider to provide such additional assurances within 30 days, shall result in the immediate suspension of the issuance of any further permits unless and until further assurance is provided.

~~Any person required to install public improvements under the provisions of this Code shall provide security by either (1) posting of a performance bond issued by a qualified surety, (2) establishing a cash trust, said funds to be deposited with the City Clerk to the credit of said person, (3) depositing with the City Clerk a certificate of deposit issued by a banking institution authorized to issue same (4) filing with the City Clerk an executed contract of guaranty between the City and a trust company, banking institution or other financial institution authorized to enter into such contracts, or (5) filing with the City Clerk a third party trust agreement executed by a trust company, banking institution or other financial institution authorized to enter into such contracts. The third party trust option shall only be allowed to cover eighty (80) percent or less of the amount of the security required for public improvements. The remaining portion of the required security shall be provided by one of the other four methods described above. The third party trust shall be released prior to final release of the other provided security. The amount of said security is to be based upon the cost estimate prepared by a registered professional civil engineer in an amount to cover the completed installation of the proposed public works improvements as approved by the City Engineer. A certified letter from the utility company stating that full payment for the installation of the street lights has been received by the utility company may be submitted in lieu of other required improvement security guarantees for street light installation. A completion date for the improvements shall be declared by said person, and the security shall provide for its forfeiture to the City in the event that said improvements have not been completed or not accepted by the City by the declared completion date due to the default of said person. Where applicable, a concurrent agreement may be executed between the City and said person providing for incremental improvements in planned area developments provided, however, that each approved increment shall commensurately conform to the security requirements hereinabove specified. The Council may require of said person such further assurance of completion of improvements as they may deem necessary to the interest of the public.~~

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 875, passed 1-10-91; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2005-004, passed 1-24-05)

Section 151.19.006-Minor Subdivisions

A minor subdivision may be accomplished with less documentation and it provides a more streamlined process than required for subdivisions.

A. Applicability

A subdivision meeting the following criteria shall be considered a minor subdivision:

1. The number of proposed lots is ten or less;
2. All streets forming the boundary of the subdivision are fully improved, except for sidewalks that may be improved as part of the project;
3. All utility services are available at the subdivision site boundary;
4. The property is not located within a 100-year regulatory floodplain area or erosion hazard setback;

B. Review, Approval, and Recordation

1. **Pre-Application Meeting.** A pre-application meeting is required prior to the formal submittal of the minor subdivision application. The pre-application meeting provides an opportunity for the City and the applicant to review and exchange information regarding a proposed minor subdivision prior to the preparation and formal submittal of a subdivision plat application.

2. **Application.**

a. The applicant shall submit a minor subdivision application and supplemental documents as stated in the minor subdivision application.

b. Applications shall be filed and processed in accordance with the review, approval, and recordation procedures set forth in Section 151.19.004(C) Final Plat Stage.

3. **Improvement Security.**

a. All required public improvements shall be designed and constructed in accordance with the latest revision of the Uniform Standard Specifications for Public Works Construction and the Uniform Standard Details for Public Works Construction as compiled by the Maricopa Association of Governments (MAG), and the City of Sierra Vista Public Works Engineering Design Standards and Drawings, as modified and adopted by the Council. Other standards pertaining to any required improvements shall be approved by the City.

b. All required public improvements shall be completed and accepted prior to the issuance of certificates of occupancy. However, should the improvements not be completed and accepted prior to the issuance of certificates of occupancy, then the improvement security requirements and procedures as stated in Section 151.19.005,-Improvement Security shall be followed.

Section 151.19.007-Minor Plat Amendments

A. Any recorded subdivision plat may be amended to:

1. Correct an error in any course or distance or other necessary item that was omitted.
2. Correct a drafting, graphic, technical, or similar type error.
3. Adjust a drainage or maintenance easement.
4. Combine, reconfigure, or adjust lots so long as:
 - a. The external subdivision boundaries remain the same.
 - b. The number of lots does not increase.
 - c. The utility easements, street access, and other public dedications are not changed or abandoned.
 - d. The number of lots does not exceed fifty (50) percent of the total lots identified on the plat.

B. Guidelines for minor plat amendments:

1. Lots being combined must:
 - a. be contiguous
 - b. have the same owner(s)
 - c. have the same zoning
2. The amended plat and the survey upon which it is based shall comply with the current Arizona Boundary Survey Minimum Standards.
3. Any changes to a subdivision other than those listed above must follow the subdivision or minor subdivision process.

C. Procedure

The Community Development Director is hereby authorized to approve and record Minor Plat Amendments as follows:

1. The applicant shall submit an amended plat map signed by a licensed surveyor.
2. The amended plat shall contain a revised legal description for the

combined or adjusted lot(s).

3. The applicant shall pay the application fee.

4. The amended plat shall be titled :Amended Plat of " and shall contain a certification block for the signature of the Community Development Director. If more than one (1) amended plat is necessary, the successive plats shall be titled Second Amended Plat of ", and follow in numerical order.

5. The amended plat shall be signed by the Community Development Director for certification that the only changes on the amended plat are changes as authorized above.

6. After obtaining the signature of the Community Development Director, the amended plat shall be recorded in the Office of the County Recorder, without further action by the Planning & Zoning Commission or City Council.

7. The Minor Plat Amendment process does not need to meet the Final Plat Certificate and signature requirements as stated in 151.19.005(C)(1)(f) and is not subject to the conditions of A.R.S. §9-463.01(G).

Section 151.19.008-Minor Lot Divisions

According to A.R.S. §9-463.01(T), cities may regulate land splits within its jurisdictional boundaries. The state law gives the City authority to determine the division lines, area, and shapes of the parcels. Neither a preliminary plat or a final plat is required but the resulting tracts, parcels, or lots, shall conform to applicable zoning requirements and other government codes and ordinances.

A. Applicability.

Each of the following shall be a minor subdivision subject to the requirements of this Article:

1. The division of improved or unimproved land whose area is 2.5 acres or less into 2 or three lots or parcels for the purpose of sale or lease, where no new street is involved;

2. The division of improved or unimproved land for the purpose of sale, or lease, whether immediate or future, into 2 parts, where the boundaries of such property have been fixed by a recorded plat;

3. Lot line adjustments, whether or not a new lot is created;

4. Lot Ties, where two existing lots are joined by the removal of a lot line.

B. Review, Approval, and Recordation

1. Pre-Submittal Meeting. A pre-application meeting is required prior to the formal submittal of the minor lot division application. The pre-application meeting provides an opportunity for the City and the applicant to review and exchange information regarding a proposed minor lot split prior to the preparation and formal submittal of a subdivision plat application.

2. Application.

a. The applicant shall submit a minor lot division application and supplemental documents as stated on the minor lot division application.

b. The Director of Community Development and City Engineer shall review and approve the request for minor lot division;

c. Minor lot divisions shall be reviewed for compliance with the following provisions:

(1) Does not constitute a subdivision as defined in A.R.S. § 9-463.02(A) which would require compliance with subdivision platting requirements as stated in Section 151.19.004 of this Code.

(2) Results in tracts or parcels which conform to the minimum lot size requirements of the property's zoning district;

(3) Provides access to the proposed tracts, parcels, or lots in accordance with Section 151.08.005 of this Code;

(4) Results in all existing buildings complying with the setback requirements of the property's zoning district;

(5) Results in tracts, parcels, or lots, of at least the minimum size required to build in accordance with the applicable zoning district.

d. After approval, all documents shall be recorded with the Cochise County Recorder's Office.

Section 151.10.009-Modifications

A. Where, in the opinion of City Council, there exists extraordinary conditions of topography, land ownership, or adjacent development, or other circumstances not provided for in these regulations, the City Council may modify the provisions of this Article in such a manner and to such an extent as it may deem appropriate to the public interest. The burden of proof for City Council determination of modification rests with the

subdivider. The written request for modification shall be made to the Director of Community Development 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 judgement to secure substantially the objectives of the standards or requirements so modified.

Section 151.19.01007 Fees

Subdivision fees shall be determined according to a schedule established by resolution of the Council and posted in the Office of the City Clerk.

~~(Ord. 743, passed 4-10-86; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2003-008, passed 4-24-03)~~

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ARTICLE 151.08 PUBLIC IMPROVEMENT STANDARDS

Sections:

- 151.08.001 Purpose
- 151.08.002 General Regulations
- 151.08.003 Street Improvements Criteria
- 151.08.004 Street Design Standards
- 151.08.005 Street Access Standards
- 151.08.006 Water Facilities
- 151.08.007 Sewerage Facilities
- 151.08.008 Surface Drainage and Storm Sewer Systems
- 151.08.009 Easement Planning
- 151.08.010 Streetlight Design and Construction
- 151.08.011 Utility Trench Backfill Requirements
- 151.08.012 Bus Bench/Bus Shelter Requirements
- 151.08.013 Wireless Communications Facilities

Section 151.08.001 Purpose

It is the purpose of this article to define the responsibility of the developer or subdivider and the City in the planning, construction, and financing of public improvements, to establish the minimum acceptable standards and required public improvements for developments or subdivisions and to establish procedures for review and approval of engineering plans.

Further, it is the purpose of the Access Section to coordinate development of land uses to minimize hazards, prevent traffic congestion, preserve the traffic carrying capacity of arterial and collector streets, provide a suitable location of land uses, and minimize impacts of development.

The City is committed to environmental responsibility and shall encourage innovative sustainable solutions to design and infrastructure development whenever the public's health, safety, and welfare is advanced through such approaches. It shall be the responsibility of the developer or subdivider to demonstrate that, where sustainable approaches are being utilized, improvements are constructed that are minimally equivalent to traditional design and are ideally superior.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2012-004, passed 6-28-12)

Section 151.08.002 General Regulations

Responsibility for Improvement. The developer or subdivider is responsible for financing, planning, designing and constructing all public improvements to City standards in the public right-of-way. Public improvements shall be defined as but not limited to: streets and alleys, curbs and gutters, sidewalks, multi-use paths, striping, street signs, drainage facilities, sewage disposal facilities, street lights, fire hydrants, water facilities, landscaping, and all other public improvements required by the City, this article, or the Arizona Revised Statutes.

Certain public improvements can be offset with the payment of Development fees as stated in the City of Sierra Vista Development Fee Study, and as defined in this Article. All submittals shall be made to the Community Development Department.

A. Public Works Improvement Plans Required

1. The developer or subdivider shall be responsible for having a registered professional engineer in the State of Arizona prepare a complete set of public works improvement plans, for the construction of public improvements, when required, which are satisfactory to the City Engineer.

2. Public works improvement plans submitted in accordance with the provisions of Sections 151.18 or 151.19 shall be reviewed and approved by the City. Improvement plan checklists can be obtained from the City website.

The public works improvement plans must be stamped "Approved for Construction" by the City Engineer before any right-of-way permits may be issued or construction commences.

3. The City of Sierra Vista has delegation authority from the Arizona Department of Environmental Quality (ADEQ) to approve water and sewer infrastructure. If the City of Sierra Vista is to perform ADEQ review, applications shall be submitted with the final improvement plans. Blank applications can be obtained at the City website.

B. Landscape Improvement Plans Required

Landscaping plans for plantings, irrigation, and related improvements in the public right-of-way shall be submitted in accordance with the provisions of Section 151.15, 151.18, 151.19, the City of Sierra Vista official plant list, and the City of Sierra Vista public right-of-way landscape specifications.

C. Public Works Improvement Plans

1. Three sets of Public Works Improvement Plans shall be submitted.

2. All specifications and references required by the City's construction standards and specifications shall be shown on the construction drawings. A signed copy of the Public Works checklist shall accompany all submittals for review.

3. Plans shall be drawn at a horizontal scale of 1" = 40' and a vertical scale of 1" = 4', or an appropriate scale approved by the City. Drawings shall be oriented so that north is at the top of the page. However, when the preceding requirement proves to be impractical, then north shall be oriented to the right side of the page. North and scale must be identified on all plans.

4. Profiles shall show existing and proposed elevations along center lines of all streets as well as the edge of any new and existing pavement and all gutter lines.

a. When a proposed street intersects an existing street(s), the drawings shall show the elevations within a 200-foot radius of the intersection at the centerline.

b. Existing grades shall be shown on 25-foot intervals and new grades on 50-foot intervals.

5. Plans and profile sheets shall show the following information:

a. The locations and typical cross-section of street pavements including curbs and gutters (both sides), sidewalks, drainage easements, rights-of-way, manholes, light poles, and catch basin inlets.

b. The locations of street trees and the location of replacement trees for those to be removed during development.

c. The location, size, direction of flow, and invert elevations of existing and proposed sanitary sewers, storm water system, and fire hydrants.

d. A blue stake alert and reference any other utility/improvement plans.

e. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown.

6. Sanitary sewerage and water systems shall be shown on the same set of drawings. A separate detailed water plan shall also be submitted. Water plans shall be stamped "approved" by the Water Company before they will be reviewed by the City Engineer.

7. Location, size, elevation, and other appropriate description of any existing or proposed facilities or utilities shall be shown on the drawings. In addition, all elevations shall be referred to the City's local datum .

8. Title, name, address, stamp, registered seal, signatures of the engineer and surveyor, and date, including revision dates, shall be shown on the drawings.

D. Improvement Standards. All required public works improvements shall be designed and constructed in accordance with the latest revision of the Uniform Standard Specifications for Public Works Construction and the Uniform Standard Details for Public Works Construction as compiled by the Maricopa Association of Governments (MAG), and the City of Sierra Vista Public Works Engineering Design Standards and Drawings, as modified and adopted by the Council. Other standards pertaining to any required improvements shall be approved by the City.

E. Inspection and Testing of Public Works Improvements

1. All public works improvements constructed in the public right-of-way shall be constructed to the standards above and are subject to the inspection and approval of the City Engineer. Construction in any public right-of-way, public easement, and/or public drainageway shall not be commenced until a right-of-way permit has been issued by the City Engineer for such construction; and if work has been discontinued for any reason, it shall not be resumed until approval has been obtained from the City Engineer.

2. The developer shall be responsible for having a person who is authorized and certified under Arizona Revised Statutes (ARS) to perform quality control materials testing and conduct the testing of all materials used in the construction of public works improvements. Any failed quality assurance testing performed by the City shall be paid by the Developer.

3. The results of all tests conducted during construction shall be provided to the City Engineer prior to the final inspection.

~~F. Improvement Security~~

~~1. Prior to approving a site plan or subdivision plat where the applicant has an obligation to develop public improvements, the City shall require the applicant to file a subdivider's and/or development agreement acknowledging their obligations.~~

~~The acknowledgment shall contain the time within which the obligations are to be met and provide security by one of the following method:~~

~~a. posting of a performance bond by a qualified surety authorized to do business in the State of Arizona.~~

~~b. establishing a cash trust, with the funds to be deposited with the City Clerk to the credit of the developer.~~

~~c. filing with the City Clerk a certificate of deposit issued by a banking institution authorized to do business in the State or Arizona.~~

~~_____ d. _____ filing with the City Clerk an executed contract of guarantee between the City and a trust company, banking institution, or other financial institution authorized to enter into such contracts and authorized to do business in the State of Arizona and.~~

~~_____ e. _____ in the case of a subdivision only, filing with the City Clerk a third party trust agreement executed by a trust company, banking institution or other financial institution authorized to enter into such contracts. The use of a third party trust security shall require an additional 20 percent security to substantiate the validity of the third party trust. The security shall be in a form as described in the first three security types listed in this section.~~

~~_____ 2. _____ The amount of the security shall be based upon an engineer's cost estimate prepared by a professional civil engineer registered in the State of Arizona, in an amount to cover 100 percent of the cost for installation of the improvements. The estimate requires approval by the City.~~

~~_____ 3. _____ When applicable, a concurrent agreement may be executed between the City and the developer providing for phased improvements in subdivisions and planned area developments; provided, however, that each approved phase conforms to the security requirements. The City may require of the developer such further assurance of the completion of improvements, as it deems necessary in the interest of the public.~~

FG. Acceptance of Public Improvements. Once all items in this section are submitted and, upon due notice from the developer of presumptive completion of all public improvements as called for on the approved plans and required under the provisions of this Code, the City will make an inspection. If all construction is completed to the City's satisfaction, this inspection shall constitute the final inspection and the Director of the Department of Community Development will recommend to Council, by Resolution, the final acceptance of the public improvements for maintenance.

1. Final As-Built Plans. The developer shall provide the City with an electronic copy of as-built improvement plans for inclusion in the City Base Map. The file(s) shall be compatible with the release of AutoCAD currently being used by the City or any additional electronically approved format. The as-built plans shall show all streets, drainage, sewer, and water improvements constructed within public rights-of-way or public easements. Final as-built plans shall show the approved design conditions and reflect any field changes approved by the City Engineer and the developer's engineer. The developer's engineer shall certify that the final plans represent as nearly as possible the actual field conditions of all improvements as constructed. If the developer fails to provide the file(s), the City will duplicate the information from the plans and charge the developer for the time and materials required for the work.

2. Developer's Guarantee and Waiver of Liens. The developer shall certify on the Developer's Guarantee and Waiver of Liens form that is provided by the City (available on the website) that all bills for labor and materials used in the work have

been paid and agree to indemnify and save harmless the City against any and all liens, claims of liens, suits, actions, damages, charges, and expenses whatsoever, which the City may suffer arising out of the failure of the developer to pay for all labor performed and materials furnished in the construction of the required improvements. Also, the developer shall guarantee all public improvements work against defective workmanship or materials for a period of two years from the date of its final acceptance by the Council.

3. A security shall be provided to the City to substantiate the validity of the Developer's Guarantee. The amount of the security shall be \$200 per lot. The security shall be retained until the two-year warranty period has elapsed. The security shall consist of cash, a performance bond, a cash trust, or a certificate of deposit, which meets the requirements in Section 151.008.002(F), Improvement Security.

G.H. Noncompliance with Provisions Under Obligations

1. If the City finds that a developer is not complying with the obligations of the provisions of their subdivider's or development agreement or the requirements of this Code regarding the obligation, the City shall, in writing, provide notice to the developer and the surety, detailing the reasons of noncompliance. The Developer will be given 30 days in which to comply or make substantial progress towards complying with the provisions of their subdivision or development agreement. The City may allow additional time to complete the obligations at its discretion.

2. If the developer or the surety does not comply with or is not progressing toward fulfilling the obligation within the applied time frames, the City will notify, in writing that the developer has not fulfilled its obligation and may take the following action:

a. Enter the development site to carry out the obligation in accordance with the provisions agreed upon.

b. Proceed with releasing from the surety the funds payable to the City by the security instrument.

c. If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City. If the security is a deposit of cash or other assets, the City may appropriate as much of the deposit as is it deemed necessary to recoup the expense of fulfilling the developer's obligation.

d. If a third party trust is used, take all necessary actions required by the agreement.

3. If the bond or another security required by Section 151.08.002F is not sufficient to compensate the City for expenses necessary to fulfill the developer's obligation, the City will place a lien, in favor of the City, on property for the remaining amount due to the City.

4. A Notice demanding the amount due to the City will be sent to the developer and surety and will be filed with the County Recorder thereby placing a lien on the real property. The notice shall include (1) the reason for the developer's failure to comply with the obligation, (2) the amount needed to compensate the City for their work

in completing the developer's obligation, and (3) the amount needed to pay the City if the bond or security is insufficient to cover the entire cost.

5. The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

H.I. Dedication and Improvement

1. A developer shall dedicate to the public any right-of-way and construct any public improvements in accordance with the provisions of Section 151.08.003 and 151.08.004 whenever one or more of the following conditions occur:

a. When there is construction of residential, commercial, or industrial subdivisions, buildings, structures, or additions to existing structures.

b. When there is a change in land use or zoning that, in the opinion of the City, will result in an increase in traffic.

c. When directed by the Council by ordinance in accordance with ARS.

2. Exceptions:

a. The dedication of additional right-of-way may not be required if upon determination by the City Engineer that the dedication of additional right-of-way is not needed for the expansion of public improvements.

b. If an existing improvement was designed and constructed according to the City or County standards applicable at the time of construction. However, if the City determines the existing improvement poses a safety or health problem, does not meet current ADA requirements, or current minimum drainage standards, then dedication will be required.

c. Construction of public improvements, to include certain roadways and traffic signals, can be offset with the payment of Development Fees as stated in the City Code, Chapter 154, Development Fees. Developers may be eligible for site-specific credits or reimbursements only if they provide public improvements that have been included in the Transportation Development Fee and/or the Parks, Recreation, and Trails Development Fee calculation schedule per the City Code, Chapter 154, Development Fees. Public improvements on Collector or Local roadways are not eligible for credits against development fees.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 804, passed 3-24-88; Am. Ord. 834, passed 3-9-89; Am. Ord. 854, passed 1-25-90; Am. Ord. 875, passed 1-10-91; Am. Ord. 896, passed 1-23-92; Am. Ord. 925, passed 8-12-93; Am. Ord. 990, passed 10-26-95; Am. Ord. 996, passed 1-11-96; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2003-005, passed 2-13-03; Am. Ord. 2012-004, passed 6-28-12)

Section 151.02.004

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Definitions

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REMOVE

Subdivision, Minor

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~~Any subdivision that does not involving any new street or road, extension of municipal facilities or the creation of public improvements.~~

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REPLACE

Subdivision, Minor

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A subdivision meeting the following criteria shall be considered a minor subdivision:

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1. The number of proposed lots is ten or less;
2. All streets forming the boundary of the subdivision are fully improved, except for sidewalks that may be improved as part of the project;
3. All utility services are available at the subdivision site boundary;
4. The property is not located within a 100-year regulatory floodplain area or erosion hazard setback;