

# **City of Cottonwood Subdivision Ordinance**

**CITY OF COTTONWOOD  
SUBDIVISION ORDINANCE**

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CITY OF COTTONWOOD SUBDIVISION ORDINANCE

A regulation of the City of Cottonwood, Arizona, providing for the regulation of subdivision development within the City, defining its terms, setting forth subdivision platting procedures and requirements, establishing subdivision design principles and standards, establishing street and utility improvement requirements, providing for modification of the regulations and for other purposes. The provisions of these regulations shall be in accordance with Arizona Revised Statutes, 9-463, pertaining to Municipal Subdivision Regulations.

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# ARTICLE 1

## AUTHORITY, ENFORCEMENT AND EXCEPTIONS

### 100.00 Title

100.01 These regulations shall hereafter be known, cited, and referred to as the "City of Cottonwood Subdivision Ordinance."

### 101.00 Purpose

101.01 The purpose of these regulations is to provide for the orderly growth and harmonious development of the City; to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to obtain adequate provisions for water supply, power, drainage, protection against flood, storm water retention/detention, sanitary sewerage, improved streets and other accesses; and other health and safety requirements; to consider adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description; and to provide practical procedures for the achievement of this purpose.

### 102.00 Authority

102.01 By authority of the Cottonwood City Council adopted pursuant to powers and jurisdictions vested through Arizona Revised Statutes, Section § 9-463.01 pertaining to subdivision of lands within incorporated areas, and other applicable laws, statutes, orders, and regulations of the State of Arizona, and City of Cottonwood, the Cottonwood City Council does hereby exercise the power and authority to review and approve or disapprove, based upon recommendation of the Cottonwood Planning & Zoning Commission, plats for division of land within the City of Cottonwood.

A. **Applicability:** These regulations shall apply to all subdivisions of land, as detailed herein, located within the City of Cottonwood. No land shall be subdivided until the subdivider or his/her agent complies with these regulations and obtains the necessary approvals detailed herein. In addition, no land shall be divided until the approved survey/plat is filed with and recorded by the Yavapai County Recorder's Office.

B. **Water Adequacy:** The subdivider must demonstrate an adequate water supply to the satisfaction of the City of Cottonwood as required by State Statute under ARS § 9-463.01(C).

102.02 **Commission's Responsibilities:** The Commission shall provide for the harmonious development of the City by requiring:

A. The coordination of streets within subdivisions with existing or planned streets and highways, the adopted General Plan of the City, and the City Transportation Plan.

- B. A regulation of population density and traffic volume which will create conditions favorable to public health, safety, and convenience.
- C. Conforming with these regulations and the Public Works Department standards, specifications and details.
- D. Adequate spaces for public use (such as for parks, schools, recreational areas, etc.).

### **103.00 Approval of Subdivision Required**

103.01 No person shall subdivide a parcel of land without previous approval of the Cottonwood City Council as set forth under these regulations, and by Arizona Revised Statutes 9-463.01 and 9-463.02.

A. Subdivision, Defined

Subdivision” means improved or unimproved land or lands divided for the purpose of:

- 1) financing, sale or lease, whether immediate or future, into four or more lots, tracts or parcels of land, or
- 2) if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts.

“Subdivision” also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, except that plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

B. “Subdivision” does not include the following:

- 1) The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- 2) The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- 3) The leasing of apartments, offices, stores or similar space within a building or manufactured home park, nor to mineral, oil or gas leases.
- 4) Minor Land Division, as defined by this ordinance. Minor Land Divisions are subject to a separate review process.

C. Time Share or Time Share Plan, Defined

Per ARS § 32-2197, timeshare plan means any arrangement, plan or similar device, other than an exchange program, whether by membership agreement,

sale, lease, deed, license, or right-to-use agreement or by any other means, in which a purchaser, in exchange for consideration, receives ownership rights in or the right to use accommodations for a period of time less than a full year during any given year, but not necessarily for consecutive years. A timeshare plan may be a single site timeshare plan or a multi-site timeshare plan.

**104.00 Exception from Standards for Special Circumstances**

- 104.01 Any plat or land division survey submitted with a deviation(s) from these regulations or deviation(s) from required improvements, shall be accompanied by an application for exception from these regulations or associated design or improvement standards.
- 104.02 Any person seeking an exception or exceptions to the requirements of these regulations shall file two (2) copies of said application with staff in concert with the Sketch Plan application.
- 104.03 The application shall be a request for an exception to an ordinance provision in response to a circumstance actually delineated on the Sketch Plan. Requests shall include the specific reason for each and every exception requested.
- 104.04 The application for exception shown on the Sketch Plan shall be formally considered by the Planning & Zoning Commission.
- 104.05 The Commission may recommend that the City Council authorize exceptions to any of the requirements in these regulations. In order to do so, it shall be necessary for the Commission to find the following facts with respect thereto:
- A. There are special circumstances or conditions affecting said property, and
  - B. That the granting of the exception will not be detrimental to the public safety, health and welfare or injurious to other property in the area in which said property is situated, and
  - C. That it will not have the effect of nullifying the intent and purpose of the City's General Plan or these regulations.
- 104.06 The Commission shall forward a recommendation to the City Council regarding approval or denial of the application for exception of any portion of these regulations.
- 104.07 Upon receipt of the Commission's recommendation the City Council may approve or deny the request for exception. The Council may approve the preliminary subdivision plat and associated plans with the exceptions and conditions deemed necessary to substantially uphold the objectives of these regulations.
- 104.08 Procedure for Subdivisions of Ten or Fewer Lots

When a subdivision of ten or fewer lots is proposed, the applicant may meet with the Community Development Director and the Public Works Director to review the conceptual plan for the subdivision. Unless there are unresolved issues related to site suitability or required improvements and with the concurrence of the Community Development Director, the applicant may directly proceed with the preparation of a Final Plat, by-passing the requirement for a sketch plan and Preliminary Plat. The Final Plat will be referred to the Planning and Zoning Commission for review and formal

action at a public hearing following the same notice requirements as for a Preliminary Plat. With a favorable recommendation from the Planning and Zoning Commission, the Final Plat and all required accompanying materials may be submitted for consideration by the City Council in accordance with Article 4 of this Ordinance. This alternative procedure is not intended for property that will be further divided or subdivided into smaller tracts, parcels or lots at a later time. A deed restriction will be required as part of any Final Plat approved under this alternative procedure prohibiting the further division or subdivision of lots approved as part of the Final Plat.

## **105.00 Processing Fee Required**

- 105.01 The submission of a Master Development Plan, Sketch Plan, Preliminary Plat, Final Plat, Revised or Amended Plat, Application for Reversion to Acreage, or Plat of Abandonment shall be accompanied by a filing fee according to the fee schedule approved by the City Council by Resolution. The filing fee shall be submitted to the Community Development Department simultaneously with submittal of a completed application.

## **106.00 Enforcement**

- 106.01 Any use or development of property contrary to the provisions of the Subdivision Regulations shall be unlawful, against the public safety and welfare, and a public nuisance and the City shall immediately commence all necessary actions or proceedings for the abatement, enjoinder and removal thereof in the manner provided by law, and shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and restrain any person, firm or corporation from setting up, developing, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of these subdivision regulations or otherwise violating these subdivision regulations. It is the responsibility of the developer to comply with these regulations. At any time in the processing of the subdivision plat or construction of improvements associated with the approved subdivision plat or construction drawings that non-compliance with these regulations or approved subdivision plat is determined, notification of same shall be transmitted to the developer. If compliance is re-established, processing of the plat or construction of associated improvements may proceed from the date of compliance as authorized by the Community Development Director.

### 106.02 Violations and Penalties

Any person, firm, corporation or other legal entity who violates any provision of these regulations shall be guilty of a Class 3 misdemeanor and, upon conviction thereof, shall be punished by fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

### 106.03 Remedies

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct or remove prohibited conditions. In addition to the other remedies provided in this section, any adjacent or neighboring property owner who shall be specially damaged by the violations of any provisions of these subdivision regulations may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

**107.00 Interpretation, Conflict and Severability**

107.01 **Interpretation:** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare and shall be interpreted in light of what will promote public health, safety and general welfare.

107.02 **Conflict:** These regulations are not intended to interfere with, abrogate or annul any other City rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions, different from those imposed by any other provision of these regulations, or any other City rule or regulation or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.

- 107.03 **Severability:** If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which judgment was rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Cottonwood City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is severed.
- 107.04 **Saving Provision:** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City, except as shall be expressly provided for in these regulations.
- 107.05 **Repealer:** Upon the adoption of these regulations according to law, the subdivision regulations adopted on September 9, 1975 as Chapter 11 (now known as Title 17) of the Cottonwood Municipal Code, are hereby repealed in their entirety, except that any and all subdivision plans and/or improvement plans submitted to the Commission for evaluation prior to the adoption of these regulations shall be evaluated under the guidelines of the then existing regulations.
- 107.06 **Amendments:** For the purpose of promoting the public health, safety and general welfare, the City Council may from time to time amend the provisions imposed by these subdivision regulations in the manner prescribed by law.

## **108.00 Effective Date**

- 108.01 The provisions of these Regulations shall be effective upon final approval and adoption by the Cottonwood City Council, as provided in the Arizona Revised Statutes, as amended.

## ARTICLE 2

### MASTER PLAN AND SKETCH PLAN REQUIREMENTS

#### 200.00 Master Development Plan

200.01 Master Development Plans may be required in association with subdivision proposals as outlined in the City of Cottonwood General Plan and the Cottonwood Zoning Ordinance, Section 424 (Planned Area Development). Generally, these proposals will include planned development of multiple phases which may include mixed use development and parks or other common use areas or facilities. Planned Area Development zoning will be required to accommodate such proposals in lieu of the Sketch Plan Process. Please refer to the Cottonwood Zoning Ordinance Section 424. Once Planned Area Development zoning is obtained, the developer should refer to Article 3 of this ordinance (Preliminary Plat).

#### 201.00 Sketch Plan

201.01 All subdivision plans and plats which are not processed as Planned Area Developments, shall observe the requirements of the Sketch Plan review process.

201.02 The purpose of the Sketch Plan is to provide a conceptual level of information that will help to establish a preliminary determination regarding the feasibility of the proposed development and the capacity of the land to support such development.

#### 201.03 **Preliminary Meeting.**

To minimize revisions, every subdivider shall submit a Sketch Plan of the proposed development after a preliminary meeting with the Community Development Director or staff, unless waived as the outcome of the initial review. The Sketch Plan shall be circulated to and reviewed by the City and related reviewing agencies to highlight development opportunities or apparent constraints prior to accepting a Preliminary Subdivision Plat submittal. Additional items may be required.

#### 201.04 **Sketch Plan Contents.**

The following items shall be provided by the applicant as part of the Sketch Plan submittal:

A. **Vicinity Map.**

B. **Name** of development and sketch plan.

C. **Location** by Section, Township and Range (G&SRM).

D. **Legal Description:** Dimensions are to be shown by either a metes and bounds description or description by aliquot part or by reference to a tract or parcel shown on a previously recorded subdivision or Results of Survey plat. There must be a tie (by scale or legal description) to at least two aliquot corners (section, quarter-section, etc). or by reference to a tract or parcel shown on previously recorded Subdivisions or Results of Survey plat.

E. **Boundaries** of development clearly identified.

- F. **North arrow.**
- G. **Scales** (both graphic and equivalent inch to feet) using standard engineering intervals. Not to exceed 1" = 200'. Sheet size no smaller than 24" x 36", nor larger than 42" on a side.
- H. **Date of preparation** plus date of any amendments since original submittal.
- I. **Contact Info:** Names, addresses, phone numbers and notation of relationship to development for landowners, subdivider/development agents, engineers, surveyors, land planners, landscape architects, architects, hydrologists or others responsible for design (include registration numbers).
- J. **Zoning:** Existing and proposed zoning.
- K. **Topography** by contours (maximum 5' interval, unless approved by the Community Development Director) relating to North American Vertical Datum (NAVD 1988) survey datum and/or City benchmark (shown on the same map as proposed development). Include bench mark used. Base information must be sufficient in order to review. Topography shall be depicted a minimum of 100' beyond project boundary. The site plan shall identify all slopes of 20% or greater (a rise of 20 feet over a 100 foot run). A slope analysis diagram will be required for any subdivision with slopes exceeding 12% grade.
- L. **Proposed land uses and densities** by area as well as ownership patterns, surrounding land uses and zoning within 300'.
- M. **Tentative Lot and Tract Layout.**
- N. **Proposed Circulation Plan:** The applicant shall submit a proposed vehicular, bicycle, pedestrian and equestrian circulation plan. The Circulation plan shall include:
  - 1. In narrative form, identify general traffic impacts to adjacent property and existing streets, as well as high traffic generation points on site.
  - 2. Show all existing and proposed streets (public or private) and their classification (arterial, collector, local street) within the project and within ½ mile of project boundaries. Show all proposed connections. Scale not to exceed 1" = 500'. The map shall also demonstrate legal primary and secondary access as well as existing or proposed street right-of-way widths.
  - 3. Existing or proposed sidewalks and pedestrian and equestrian trail networks and open space features affected by or intended to be implemented as part of future subdivision design.
- O. **Drainage Concept Plan:** Illustrate and discuss in narrative form the proposed methods of handling storm drainage and floodplains that affect the property. Include retention basins required to comply with the one hundred (100) year storm, per City Ordinance 172 or any successor ordinance.

- P. **Land Data Table:** Identify in chart or note form on the Sketch Plan Map the following:
1. Total acreage, acreage for each use and each phase.
  2. Number units/lots for each type of use and phase.
  3. Average area per lot/unit proposed.
  4. Percent open space, exclusive of streets, building envelopes, and parking areas. See the Cottonwood Zoning Ordinance, Section 424 (Planned Area Development).
  5. Water source (if new source indicate potential well field and storage tank on Sketch Plan).
  6. Sewer service provider and type, if available.
  7. Proposed utility providers.
  8. Identify unique site conditions including rock outcroppings, major drainage features, etc). These items may necessitate submittal of a slope analysis diagram and other additional information as required.
- Q. **Preliminary Title Report:** Submit two copies of a preliminary title report or a policy of title insurance issued by a title insurance company within the preceding thirty (30) working days to the owner of the land, covering the land within the sketch plan or subdivision and showing all record owners, liens, and encumbrances. The preliminary title report shall contain the status of legal access to the proposed subdivision and identify any parcels which do not have legal access.

## **202.00 Evaluation of Sketch Plan**

- 202.01 Eighteen (18) copies of the Sketch Plan shall be submitted to the Community Development Department. Within fifteen (15) working days from deposit of the Sketch Plan, the Sketch Plan shall be evaluated and discussed in a meeting that may include the applicant(s), reviewing agency representatives and the Community Development staff.
- 202.02 The Community Development Director shall route the plans to any municipality that may be adjacent to the subdivision, or to Yavapai County (if adjacent area is unincorporated) for review.
- 202.03 No response from reviewing agencies within the prescribed review period shall be construed as such agency not having an objection to the continued processing of the Application.
- 202.04 The Community Development Director may require that the developer hold a neighborhood meeting as a means to further publicize the subdivision proposal and to take public comment.
- 202.05 Upon receipt of reviewing agency comments, the Community Development Director or staff designee shall compile agency comments and respond to the applicants or agents as the proposed project relates to the following:

- A. Conformance to City of Cottonwood General or Specific Area Plan(s).
- B. Suitability of the site for development, proposed/existing and potential development opportunities and constraints.
- C. The improvements, design and dedications required by City improvement standards.
- D. Zoning requirements.
- E. Drainage Requirements.

### **203.00 Approval of Sketch Plan**

- 203.01 The Community Development Director shall determine whether or not the Sketch Plan meets the purposes of these regulations and related City Ordinances and design specifications and shall, where the Director deems it necessary, make specific recommendations to be incorporated by the applicant into a revised Sketch Plan or Preliminary Plat submittal.
- 203.02 Approval of a Sketch Plan is approval of the proposal in concept only, and is not final project approval. Further revisions to the plan may be required throughout the process of plat review.

### **204.00 Denial of Sketch Plan**

- 204.01 If the Community Development Director determines that the Sketch Plan submittal is not consistent with the City's General or Specific Area Plan(s) and/or determines that the proposed development does not meet City improvement/design specifications, the Director may deny the Sketch Plan application or request modifications to be incorporated into a revised Sketch Plan prior to authorizing a Preliminary Plat submittal.

### **205.00 Appeal**

- 205.01 If the project developer objects to a decision by the Director to deny a Sketch Plan or recommended modification to same, the Director's decision may be appealed to the Planning and Zoning Commission. Upon submittal to the Community Development Director of a written statement of objection, the matter shall be placed on the agenda for the next available Planning and Zoning Commission Meeting.
- 205.02 The Commission's recommendation may be appealed to the City Council by filing a written objection to the Commission's recommendation with the City Clerk.

## ARTICLE 3

### GENERAL REQUIREMENTS AND PROCEDURES FOR SUBMISSION OF A PRELIMINARY PLAT

#### 300.00 The Preliminary Subdivision Plat

##### 300.01 Preliminary Plat to be submitted

After the pre-application conference and general approval of the Sketch Plan and/or Master Development Plan (if required), the subdivider shall submit a Preliminary Plat of the proposed subdivision, prepared by a licensed professional surveyor or civil engineer; and other exhibits as hereinafter specified. The applicant shall submit to the Community Development Department a Preliminary Plat application with eighteen (18) copies of the Preliminary Plat, together with 8-1/2"x11" reproductions, and two (2) copies of all required supplementary materials. Processing will not commence until all required documents are received.

300.02 If during processing, deviations from the requirements of these regulations are noted, the developer or his representative shall be notified of the appropriate action necessary on his part for the continuation of said proceeding (see Article 1).

#### 301.00 Contents for Preliminary Plat

301.01 The Preliminary Plat shall be clearly and legibly drawn to a maximum scale of 1"=100" and include the following:

- A. **Title/Locators:** Proposed name of subdivision and its location by section, township and range; small scale vicinity map showing relative location of the plat; scale; north point; reference by dimension and bearing to section corners and quarter-section corners; and subdivision boundaries clearly identified.
- B. **Contact Info:** Name, address and phone number of landowner (and subdivider, if not the same); engineer, surveyor, landscape architect or land planner preparing the plat, including registration stamp.
- D. **Dates:** Date of preparation, including dates of any subsequent revisions.
- E. **Topography** by contours relating to North American Vertical Datum (NAVD 1988), or other datum approved in writing by the City Engineer, to be shown on the same map as the proposed subdivision layout. Location and elevation of the bench mark used should also be shown and/or described on the plat with a maximum contour interval of 5 feet unless approved by the Community Development Director. Source and date of topography shall be noted on the Preliminary Plat. Topography shall be depicted a minimum of 100' beyond project boundary. The site plan shall identify all slopes of 20% or greater (a rise of 20 feet over a 100 foot run). A slope analysis diagram will be required for any subdivision with slopes exceeding 12% grade.

- F. **Drainage related items:** Flood hazard and 100 year floodplain areas, if any, shall be delineated on the Preliminary Plat and finished floor elevations for building pads shall be identified within flood hazard areas. Include retention basins required to comply with the one hundred (100) year storm, per City Ordinance 172 or any successor ordinance.
- G. **Adjacent Improvements:** Location, widths, ownership status and names of all existing streets and improvements therein; railroads; recorded utility or other easements or rights-of-way, including any existing facilities therein; public areas; all existing structures, with an indication of whether or not they are to remain; and municipal corporation lines within or adjacent to the tract. Access street to the proposed subdivision shall be described to its intersection with a public street right-of-way.
- H. **Adjacent Subdivisions:** Name, book and page numbers of any recorded subdivisions within or having a common boundary with the tract, or notation "unsubdivided" where appropriate.
- I. **Traffic Connections:** Location, width and names of proposed streets, alleys. Also, the location and dimensions of pedestrian / equestrian trails, drainageways, cross-walks and easements including all connections to adjoining platted or unplatted tracts. A typical cross-section shall be depicted on the plat where applicable describing the aforementioned improvements.
- J. **Lot Lay-Out:** including minimum building setback lines related to all streets; typical lot dimensions (scaled); dimensions of all corner lots and lots on curvilinear sections of street; each lot numbered individually and total number of lots shown.
1. Building envelope shall be provided for all corner lots and may be required, at the discretion of the Community Development Director, for lots in sensitive areas designated on the Sketch Plan.
- K. **Public Reservations:** Designation of all land to be dedicated or reserved for public or semi-public use, as may be required pursuant to ARS §9-463.01 (D-F), with reservation by use indicated.
- L. **Utilities:** Reference by note to source of proposed electricity, gas, telephone service, solid waste disposal (including method of collection and recycling options) and police and emergency service agencies.
- M. **Land Uses / Zoning:** If plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification, present district boundary lines and status of any pending zoning change.
- N. **Sewage Disposal:** It shall be the responsibility of the subdivider to furnish the City Water and Sewer Department such evidence as that Department may require for its satisfaction as to the design and operation of sanitary sewage facilities proposed. A statement as to the type of facilities proposed shall appear on the Preliminary Plat.

1. **Subdivisions Utilizing Septic Tanks:** Where the proposed sewage disposal system will be by individual lot septic tanks, the result of the percolation tests and test boring logs as required by the County Environmental Services Department shall be submitted with the Preliminary Plat. Where alternate systems are contemplated, necessary supporting information to the Environmental Services Department's specifications shall be provided for review and approval in concert with Preliminary Plat evaluation.
2. **Gray Water Disposal:** Subdivisions must meet provisions of Cottonwood City Ordinance 447, adopting the 2003 International Plumbing Code. See Section 301.3.1 pertaining to dual drainage system requirements.

### **302.00 Traffic Impact Analysis**

- 302.01 A traffic impact study shall be performed in accordance with the latest version of, "Traffic Impact Analysis for Proposed Development," ADOT, Highway Division, Traffic Engineering Section. The Community Development Director may waive the requirements of ADOT analysis on a case-by-case basis.
- 302.02 The traffic impact analysis shall be funded by the developer or property owner and upon submittal to the Community Development Department shall be transmitted to and reviewed by the City Engineer's office. Copies shall be made available to other governmental agencies which may be affected by increased traffic.
- 302.03 Generally the following criteria are considered when determining if a traffic impact analysis is warranted:
- A. Significant changes in land-uses are proposed or higher density zoning is sought.
  - B. City collector or arterial street access is requested or the existing location of access to the property is changed.
  - C. The proposed increased activity or intensity of development will significantly impact vehicular or pedestrian traffic on City streets.
  - D. A total of 100 or more vehicular trips during an A.M. or P.M. peak hour, as defined by ADOT, will be generated by the proposed development.
- 302.04 The subdivider shall be required to provide financial assurances or complete the installation of any improvements, including pedestrian trails, determined necessary to maintain or improve traffic and circulation operations and traffic safety functions in direct proportion to the impact caused by the proposed development (See Article 5).

### **303.00 Drainage Report**

The developer shall provide all drainage related information as necessary to satisfy the requirements of City of Cottonwood Ordinance 172, or successor ordinance.

### **304.00 Water Supply**

It shall be the responsibility of the subdivider to furnish the City such evidence as the City may require for its satisfaction as to the facilities for supplying domestic water. A statement as to the type of facilities proposed shall appear on the Preliminary Plat. One of the following is required:

- A. **Statement of Water Adequacy:** Response from the Arizona Department of Water Resources in the form of water "adequacy" either for that subdivision or for the water company (private or public) which will serve the subdivision pursuant to A.R.S. 45-108.
- B. **Certificate of Assured Water Supply:** Response from Arizona Department of Water Resources in the form of a "certificate of assured water supply" within "an active management area (AMA)" pursuant to A.R.S. 45-576.

### **305.00 Additional Requirements and Accompanying Statements**

- 305.01 Engineering plans in support of the Preliminary Plat shall be prepared under the direction of, and signed and sealed by, a professional engineer.
- 305.02 Supplemental submittals at this stage, such as grading, drainage or street plans, should be preliminary plans, not construction plans. They are the type of plans needed to evaluate the viability of the Preliminary Plat and allow the reviewing agencies to make reasonable decisions. The plans may generally be prepared using scaled distances and elevations taken from the topographic map used for the Preliminary Plat. When possible, they will be at the same scale as the Preliminary Plat. All supplemental submittals must be consistent with each other and the Preliminary Plat.
- 305.03 The following material shall accompany the submission of all Preliminary Plats (if this data is not included on the Preliminary Plat, then two (2) copies are required):
  - A. **Land Uses:** The existing uses of land and existing zoning.
  - B. **Covenants:** Preliminary draft of proposed deed restrictions or protective covenants to be incorporated in the Final Plat submittal, including provisions for use and maintenance of commonly-owned facilities, if any.
  - C. **Utilities:** A statement regarding availability of utilities and the direction and distance thereto and preliminary letters of serviceability shall be submitted in conjunction with the application.
  - D. **Street Names:** Submit a list of the proposed street names.
  - E. **Preliminary Grading Plan:** A preliminary grading plan shall be required when cuts or fills are reasonably expected to exceed 5' in height or will extend outside of the normal street right-of-way. The preliminary grading plan shall be in sufficient detail to convey the extent of grading activities such that their impact can be evaluated by the reviewing agencies. The Plan shall include existing and finish grade contours and limits of cut and fill areas. Driveway and building locations shall be shown when topographic or other constraints are reasonably expected to require specific locations or site grading. A geotechnical report shall accompany the grading plan to support the slope stability assumptions of the grading plan.
  - F. **Preliminary Street Plans:** Grades shall be given to the nearest whole percent grade. A profile sheet coinciding with the streets as shown on the Preliminary Plat or separate plan and profile sheets shall be prepared at a scale sufficient to allow evaluation of the proposed streets. Proposed drainage structures within the right-of-way shall be shown on the Preliminary Street Plans. The Preliminary Grading Plan may be shown on the Preliminary Street Plans if all of the grading will be related directly to the streets. The reviewing agency's interest in these plans are: 1) height, stability and slope of cut and fills, 2) affected drainage

patterns, 3) potential roadway geometric problems, 4) impacts of the streets on adjacent lots, property and access, 5) relationship of drainage to streets, 6) other items that may be specific to the streets in the specific subdivision.

- G. **Preliminary Utility Plans:** A Preliminary Utility Plan shall be prepared to illustrate the proposed location of utilities and verify that the necessary easements and rights-of-way are proposed on the Preliminary Plat. It is recognized that final utility locations are decided by the individual utilities, but the objective of the Preliminary Utility Plan shall be to encourage cooperation in planning by the various utilities.
- H. **Preliminary Drainage Plans:** The Preliminary Drainage Plan shall be submitted in accordance with City standards. Include retention basins required to comply with the one hundred (100) year storm, per City Ordinance 172, or any successor ordinance.
- I. **Exceptions:** Describe any exceptions from ordinance standards being requested in response to special circumstances which may be posed by the site (see Article 1).
- J. **Assurances:** The anticipated type or form of assurance that will be made for completion of improvements in a subdivision in accordance with A.R.S. Section 9-463.01 and Article V of these regulations.
- K. **Phasing:** A development schedule with dates shall be submitted for any multi-phase subdivision or Master Development Plan.
- L. **Reproductions:** The applicant shall also submit an 8-1/2" x 11" transparency of each map/plat element.

### **306.00 Distribution of Plats and Accompanying Material for Evaluation**

- 306.01 **Agency Review:** When the preliminary subdivision plat and accompanying material are received by the Community Development Director, copies of the subdivision plat and accompanying material may be transmitted to the following agencies: City Engineer; County Health Department or Environmental Services (if needed); Arizona Department of Transportation if it contains or abuts a state or federal highway; utility companies; State or Federal land management agency if adjacent to public lands; City Fire Marshal or affected fire district; schools, adjacent property owners associations, and other interested or affected agencies as deemed appropriate by the Community Development Director.
- 306.02 **Response Timeline:** Interested agencies shall have twenty (20) working days, from the date received by the Community Development Department, to complete their report. Agencies shall submit an evaluation report to the Community Development Director. No reply by an agency within the time limit specified shall be deemed as having no objections from that department to approval of the Preliminary Plat.
- 306.03 **Public Review:** When all replies have been received or the specified date of reply reached, the Community Development staff shall prepare a report, including comments from all City departments and other agencies; and, if the proposed plat is in conformance, shall put it on the agenda for the next scheduled Commission meeting.
- 306.04 **Follow Up:** Following receipt of reviewing agency comments, the Planning Staff may coordinate a meeting between the applicant and/or his agent; and the various responding agencies for the purpose of clarifying outstanding issues arising from

subdivision plat review. The purpose of this coordination is to promote compliance with the content of these regulations and attempt to reach consensus on issues prior to presentation to the Planning & Zoning Commission.

### **307.00 Commission Review and Recommendations**

307.01 The applicant s or their representatives shall be notified prior to a meeting of the time and place of the public hearing at which the preliminary subdivision plat is set for review. The Commission shall, upon said review or such further meeting to which said matter may be continued, hear or consider all evidence relating to said Preliminary Plat.

- A. If satisfied that all objectives of these regulations have been met, the Commission may approve the Preliminary Plat and shall submit recommendations to the City Council.
- B. If the Commission finds that the plat requires revision, the plat shall be held over or continued pending revision, resubmittal, processing, or for other reasons.
- C. A copy of the report shall be filed with the City Clerk and minutes setting out action of the Commission shall be transmitted to the City Council, to the subdivider and/or owner and to departments or agencies as may be deemed advisable by the Commission.

### **308.00 Action by City Council on the Preliminary Plat Application**

308.01 **Council Options:** On receipt of the report and recommendation by the Commission, the City Council may approve, conditionally approve or reject the Preliminary Plat application. The action of the Council shall be taken at any regular or special meeting at which the Council may desire to hear it, but not until after receipt of the Commission's report. If the Council determines that said Preliminary Plat is not in conformity with these regulations or associated design criteria or if other requirements are not approved by the Council, it shall disapprove said plat specifying its reason or reasons therefore, and shall advise the subdivider in writing of such disapproval and of the reasons for such disapproval.

308.02 **Rejection / Resubmittal:** If an application is rejected by the City Council, the new filing of a subdivision application for the same parcel(s) or any part thereof, shall follow the aforementioned procedures and shall be subject to the required fees.

308.03 **Basis for Approval:** Preliminary Plat approval is conditional upon the following terms:

- A. The basic conditions under which the Preliminary Plat is granted will not be changed prior to expiration date of the approval.
- B. Approval is valid for a period of twenty-four (24) months from date of Council action.
- C. Preliminary approval may, upon written application to the Commission by the subdivider and subsequent Council approval, be extended for one year if, in the opinion of the Commission and Council, there is no change in conditions within or adjoining the Preliminary Plat that would warrant a revision in the design of the original Preliminary Plat.
  - 1. If any improvements are required at this time by the Council, they shall be so specified.

## ARTICLE 4

### REQUIREMENTS AND PROCEDURES FOR PROCESSING AND RECORDING OF FINAL SUBDIVISION PLATS

#### **400.00 Final Plat Review Process (Summary)**

- 400.01 The Final Plat stage includes submittal, review and approval of the Final Plat and required supporting documents by the City Council, and recording of the plat with the County Recorder. The Final Plat shall be prepared by a licensed professional surveyor or civil engineer. Evaluation of the Final Plat shall include the following steps:
- A. **Review of Final Plat:** Unlike the Preliminary Plat, the Final Plat is not reviewed by the Planning and Zoning Commission unless substantial changes have been proposed since the Council approval, as determined by the Community Development Director.
  - B. **Council Review of Final Plat and Other Materials:** The review of the Final Plat by the City Council also includes the approval of the construction plans, and type of assurances for the required site improvements.
  - C. **Recordation:** The Final Plat must be recorded before lots can be sold. The Community Development Director will not record the plat until all requirements of Final Plat approval have been addressed.

#### **401.00 Final Plat Submittal**

- 401.01 Following approval of the Preliminary Plat, a Final Plat may be prepared in accordance with:
- A. The preliminary subdivision plat as approved, with only minor authorized changes allowed and with any stipulations attached thereto.
  - B. These regulations.
  - C. Any applicable City Ordinance or Regulation and State or Federal Laws.
  - D. In accordance with the time limit established under Article 3.
- 401.02 For any approved preliminary subdivision plat, the Final Plat may be submitted for approval progressively in units, each processed as a separate Final Plat. But the initial Final Plat shall include the entire planning area. Portions of the initial plat may be identified as future development tracts.

#### **402.00 Phased or Incremental Plat Development**

- 402.01 Upon recording of a Final Plat for the entire land area within an approved Preliminary Plat, subsequent Final Plats may be prepared for the remaining units or tracts in accordance with the approved Preliminary Plat.

#### **403.00 Submittal Specifications for Final Plat and Associated Materials**

- 403.01 **Submittal:** The developer shall submit thirteen (13) copies of the Final Plat, together with 8-1/2"x11" reproductions and all accompanying documents to the Cottonwood Community Development Department. The submittal will not be scheduled to be heard unless it contains all of the required information and is found to be in compliance with all applicable requirements.
- 403.02 **Index:** When a Final Plat consists of three (3) or more sheets, one key map showing the relation of the sheets shall be placed on the first sheet.

#### **404.00 Additional Requirements and Accompanying Statements**

- 404.01 At the time of depositing the thirteen (13) prints of the Final Plat with the Planning staff, the subdivider shall also file therewith the following accompanying material:
- A. **Title Report:** Two copies of an updated title report or a policy of title insurance issued by a title insurance company within the preceding thirty (30) working days to the owner of the land, covering the land within the sketch plan or subdivision and showing all record owners, liens, and encumbrances. The preliminary title report shall contain the status of legal access to the proposed subdivision and identify any parcels which do not have legal access.
  - B. **Deed Restrictions:** A copy of any covenants, conditions and restrictions (CC & R's) to be recorded. The City is not responsible for enforcement of deed restrictions. Submittal of restrictions is required in order to address land use issues which may arise in the review of the subdivision proposal.
  - C. **Construction Plans:** Six (6) sets of prints of the construction plans of all improvements, including the stormwater management plan, (both on-site and off-site) required and prepared in accordance with City Public Works standards at a minimum scale of 1"=40 feet no larger than 24" x 36".
  - D. **Construction Cost Estimates:** A cost estimate for constructing all the required improvements, signed and sealed by a professional engineer who is registered to practice in the State of Arizona, if a bond or letter of credit form of assurance is being proposed.
    - 1. The method/type of assurance, including the cost estimate (if applicable) shall be approved by the City Engineer and/or City Attorney prior to approval of the Final Plat.
    - 2. The actual assurance must be executed and presented to the City of Cottonwood before the subdivision plat is recorded. (See Article V regarding cost estimates and assurances).
  - E. **Fee:** The fee(s) for processing and review of the final subdivision plat and supporting documents shall be submitted with the plans to initiate the review process.
  - F. **Private Street Maintenance:** If private streets are proposed in the development, then provisions for perpetual street maintenance shall be provided for in a manner acceptable to the Cottonwood City Council and shall be submitted with the final subdivision plat.

- G. **Digital Format:** In addition to the thirteen (13) prints of the Final Plat, a Subdivision plat shall also be submitted in a digital format in compliance with the standards data conversion that will be used by the City of Cottonwood Public Works Department and the Yavapai Recorder. This file format is a Standard Drawing Exchange format between many major computer aided design software packages, i.e., AUTOCAD, Microstation and VERSACAD
- H. **Phase 3 Drainage Report:** A final Drainage Report shall be submitted in conjunction with final construction plans in accordance with the requirements of the Public Works Department. The purpose of the Final Drainage Report is to update the concepts, provide all information not previously provided and to present the design details for the drainage facilities.

#### **405.00 Form of Final Plat**

- 405.01 Presentation of the plat shall be neat, clear, legible, and complete in all respects and shall be sufficiently detailed to include, but shall not be limited, to the following:
- A. **Standards for Original Transparency, Graphics and Signatures:** The Final Plat shall be submitted on three (3) transparent reproducible polyester film originals (one each for City, applicant and County Recorder); and shall be on a sheet or sheets measuring twenty-four by thirty six inches, with a left margin of two (2) inches and remaining margins of ½ inch, and include a block for Recorder's information. The plat shall be drawn to an accurate scale not to exceed two hundred feet to the inch. A scale of 1" = 100 feet is preferred. The Final Plat shall include dedications, affidavits, certificates and acknowledgments set with a minimum font size of 11 points. Any highlighted areas (i.e., abandonments) shall be cross-hatched, rather than blocked-out. All stamped or written matter, including signatures, shall be made with opaque ink so that legible blue line prints may be obtained therefrom. Red ink is not permitted. All Final Plats shall be drawn to reasonable accuracy standards, consistent with acceptable professional standards.
- B. **Sheet Details:** Every sheet comprising the plat shall bear the title (but not subtitle on subsequent sheets), scale, north point, legend, date of plat preparation, sheet number, and the number of sheets comprising the plat. Its relation to each adjoining sheet shall be clearly shown. The basis of bearings shall also be noted in the legend.
- C. **Title Specifics and Locator Map:** The title of each plat shall consist of the subdivision name placed at the top of each sheet. Below the title on the first sheet shall appear a subtitle consisting of a general description of all the property being subdivided by reference to governmental subdivisions or portions thereof; by sections, townships and range; or by reference to subdivision plat previously recorded in the office of the Recorder of Yavapai County. In addition, a small scale location or vicinity map, showing the relative location of the subdivision with respect to township, range, section, and any access streets, shall be shown on the face sheet.
- D. **Basis for Legal Description:** Location and description of section or quarter corner, either found or set, and ties to such corners, all dimensions, angles, bearings, basis of bearings and similar data on the plat shall be referred, indicated and referenced. Boundaries of the tract to be subdivided shall be fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. Corners of the subdivision shall be noted, and monuments found or set shall be indicated and described; two (2) corners of the

subdivision traverse shall be tied by course and distance to separate section corners or quarter section corners or monuments acceptable to the City Engineer.

- E. **Boundaries and Bearings:** Tract boundary lines, lot and parcel lines, easement lines, street centerlines, and section lines, all showing accurate bearings and dimensions with dimensions expressed (rounded) in feet and decimals thereof to the hundredth;
- F. **Area Totals:** The total area of the subdivision, and, showing the area of each lot to the nearest hundredth of an acre if greater than one acre; or showing the area in square feet if less than one acre.
- G. **Measurements:** Width of streets, width of easements and indication of their purpose, angle, radius, tangent, and length of all curves;
- H. **Locations and Elevations of Monuments, Corners, etc.:** Location and description of existing or found monuments, or set monuments, such as section corners and subdivision boundary corners, elevation of bench marks for a condominium development, existing rights-of-way and easements, if any.
  - 1. The legend shall specify the type of monuments used;
  - 2. The Final Plat shall indicate if the lot corner monuments have been or are to be set. If they are not set a cost estimate and assurance must be provided.
- I. **Contiguous Subdivisions, Easements and Rights-of-Way:** Where there are contiguous developments, show name of the subdivision with reference of record, street right-of-way lines, street names, street width, easements clearly dimensioned, labeled, and identified, if any, and if unsubdivided so note. Easements shall be clearly dimensioned, labeled, and identified, and, if already of record, properly referenced to the record. If any easement is not definitively located of record, a statement of such easement shall appear on the title sheet;
- J. **Subdivision Boundary:** The boundary of the subdivision shall be indicated by a heavy line, recognizable as a border clearly showing the boundary of the subdivision and all of the property being offered for dedication for public use and/or as easements. Such boundary shall not interfere with the legibility of figures or other data;
- K. **Excepted Parcels:** Any excepted parcel(s) within the plat boundary shall be accurately depicted by bearings and distances on the plat. Excepted parcels are properties which have been excluded from the subdivision plat.
- L. **Lot Lay-Out:** Each lot shall be numbered as per the approved Preliminary Plat and each block may be numbered or lettered. Each street shall be named. All lots not intended for sale or resale for private purposes, and all parcels offered for dedication for any purpose, public or private, and any private streets permitted shall be so designated. Label and identify all lots, parcels, tracts, excepted parcels, etc., for ease of description and to insure no misunderstanding about intended use, ownership, or maintenance.
- M. **Floodplain and Drainage Easements:** The limits of any 100 year floodplain identified using the standards set forth by the Director of the Arizona Department of Water Resources Requirement for Floodplain Delineation in Riverine Environments, shall be illustrated and dimensioned in the Final Plat.

The finished floor elevation shall be shown on each lot that is impacted by the floodplain. A note shall also be placed on the plat indicating that "Floodplain limits, base flood elevations and regulatory elevations may be revised by subsequent studies approved by the Yavapai County Flood Control District or City of Cottonwood Public Works Department."

1. Final Plats shall also show all drainage easements in conformance with the approved Preliminary Plat with the associated dedication language. The actual dedication language should be related to the type of drainage facility and method of maintenance.
- N. **Engineer's Information:** The Final Plat shall contain the name and registration number of the registered professional civil engineer and/or surveyor who prepared the Preliminary Plat and is responsible for the engineering that is necessary in preparation of the proposed subdivision.
- O. **Other Data:** The plat shall also show other data required by law.

#### **406.00 Signature Blocks**

406.01 The Final Plat shall include the following certifications and signature blocks:

- A. **Final Plat Ratification and Dedication Certificate:** The applicant shall provide a certification or ratification signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of said Plat. Rights-of-way, easements, or other interests may be acknowledged by endorsements on the Plat.
- B. **Certificate of Land Surveyor:** A certificate for execution by the land surveyor and/or professional engineer of record shall be provided on the plat as follows:

"This is to certify that the survey of the premises (property) described and platted hereon was made under my direction and supervision and is accurately represented on this plat. I also certify that the plat is in substantial conformance to the approved Preliminary Plat and that this plat is correct and accurate as shown."

\_\_\_\_\_  
Registered Land Surveyor

\_\_\_\_\_  
Date

- C. A certificate shall be provided on the plat for signature by the City Engineer, City Community Development Director, County Environmental Services Director (if needed) and County Flood Control District Administrator (if needed) as follows:

"This plat has been checked for conformance to the approved Preliminary Plat and any special conditions attached thereto, to the requirements of the City of Cottonwood Subdivision Ordinance, and to any other applicable regulations, and appears to comply with all requirements within my jurisdiction to check and evaluate.

\_\_\_\_\_  
By (City Engineer)

\_\_\_\_\_  
Date

\_\_\_\_\_  
By (Community Development Dir.)

\_\_\_\_\_  
Date

D. Mayor's Endorsement: "This Final Plat was reviewed and approved by the City Council, subject to stipulations on \_\_\_\_\_."  
Date

\_\_\_\_\_  
Cottonwood Mayor

\_\_\_\_\_  
Date

E. IF SUBDIVISION IS INSIDE A DESIGNATED ACTIVE WATER MANAGEMENT AREA, THE FINAL PLAT SHALL INCLUDE THE FOLLOWING:

"According to the Arizona Department of Water Resources, this Subdivision is located within an area designated as having Assured Water Supply, pursuant to A.R.S. 45-576 Subsection 'B'."

\_\_\_\_\_  
By (Community Development Dir.)

\_\_\_\_\_  
Date

F. IF SUBDIVISION IS OUTSIDE DESIGNATED ACTIVE WATER MANAGEMENT AREA, THE FINAL PLAT SHALL INCLUDE THE FOLLOWING:

"This Subdivision is not within a designated Active Water Management Area. A statement concerning water adequacy has been received from the Arizona Department of Water Resources (pursuant to A.R.S. 45-108) stating the water resources are adequate for this subdivision."

\_\_\_\_\_  
By (Community Development Dir.)

\_\_\_\_\_  
Date

#### **407.00 Staff Response to Final Plat Submittal**

407.01 **Distribution and Agency Review:** The staff shall refer prints of the Final Plat and support documents to the City Engineer, and other reviewing or interested agencies for their evaluations as to conformance of this plat to the approved preliminary subdivision plat, City of Cottonwood Subdivision Regulations and all other applicable City requirements. The head of each City department who has received a copy of the Final Plat and applicable supporting plans and documents, who has been requested to reply will determine, whether or not the material is acceptable and will transmit a statement thereon to the Community Development Director. Failure of any department to reply within the time specified will be interpreted as no objection by the department to the approval of the Final Plat as submitted.

407.02 **Response:** The Community Development Director shall inform the developer of any changes or additions necessary.

407.03 **Corrections:** If significant changes or additions are necessary, such as design variation from the approved Preliminary Plat, two (2) sets of revised prints shall be submitted as a new Final Plat submittal.

#### **408.00 Action by the City Council**

408.01 **Council Review:** The Council shall consider the Final Plat, the plan of subdivision, the recommendations of the Planning and Zoning Commission and the Community Development Director, the title report, other supporting documents, the offers of dedication, and the agreements and guarantees, if any, for deferred improvements.

408.02 **Council Approval:** If the Council determines that said plat is in conformity with the requirements of the law and of any requirements duly made relating thereto, and if the agreement and guarantees for deferred improvements, if any, and unpaid taxes or assessments are in order, and said plat conforms to the approved Preliminary Plat, it shall approve said plat; and the Mayor shall so certify this action by signature on the Final Plat.

A. Conditions of Approval

1. The Council may require such conditions as will, in its judgment, secure substantially the objectives of these regulations.
2. If the Council determines that said plat is not in conformity with the Preliminary Plat or if other public health, safety, welfare or planning issues are not addressed, it shall disapprove said plat specifying its reason or reasons therefore; and shall advise the subdivider in writing of such disapproval and of the reason for such disapproval.
3. All streets and other public improvements built by the subdivider, and parcels offered for dedication for public use by the plat will be formally accepted for maintenance by separate Council action, subject to conditions. Approval of the Final Plat does not imply acceptance into the City Street System for maintenance. Formal acceptance for maintenance must occur by City Council resolution, but cannot occur until after the Final Plat is recorded and the street is actually built to City standards.

#### **409.00 Recording of Final Plat**

409.01 **Council Approval Required:** No subdivision plat shall be recorded unless approved by the City Council.

409.02 **Time-Limit:** Within six (6) months of approval by the Council, the owner/subdivider shall provide all required materials and demonstrate that all conditions of plat approval have been met. The properly examined plat will then be presented to the Community Development Director for recording.

409.03 **Re-Submittal of Plat:** When a Final Plat, construction plans and all required supporting documents are acceptable to the City Engineer, and Community Development Director, the subdivider upon notice thereof shall deposit with the Community Development Department three (3) reproducible sets of the Final Plat as per form of Final Plat requirements completely executed by:

- A. All parties required to sign or endorse the same for the purpose of passing a good and sufficient title to the public rights-of-way, easements, and parcels offered for dedication and to join in the subdivision of said property.
- B. The professional engineer and/or land surveyor [R.L.S.] preparing the plat and any and all other parties required to execute certificates thereon, other than the required City signatures.

409.04 **Additional Submittals Following Council Approval:** The following items are required to be submitted following Council approval before the subdivision is recorded:

- A. **Fee:** The fee for recording the Final Plat and accompanying deed restrictions and any ratification or pertinent documents will be required once the Final Plat is approved by the City Council and the subdivider has addressed the stipulations of approval and the plat is ready for recording. If the recording fee is submitted in the form of a check, it must be made payable to the Yavapai County Recorder.
- B. **ADRE Questionnaire:** A copy of the developer's Subdivision Questionnaire to the Arizona Real Estate Commissioner shall be submitted prior to approval for lot sales.
- C. **Conditions, Covenants and Restrictions:** The applicant shall also submit a copy of the subdivision's deed restrictions before any lots are sold.
- D. **Assurances:** Assurances for all required improvements in accordance with the requirements and provisions of Article 5 of these Regulations (see Article 5).

409.04 **Signatures and Recordation:** After receiving the properly executed Final Plat for recording together with the materials evidencing that all of the stipulations of Council approval have been satisfied and necessary recording fees provided, the Community Development Director or designee shall obtain necessary signatures from City representatives and cause the Final Plat to be recorded.

#### **410.00 Failure to Meet Conditions of Approval**

410.01 At the end of one (1) year after City Council approval, if the conditions of approval have not been satisfied and the plat is not presented or found acceptable for recording the Final Plat shall be referred back to the City Council for action, including possible revocation of approval.

#### **411.00 Amendments**

411.01 Subdivision plat proposals may be amended during the course of plat review. The process for amendment depends on whether the change is determined to be major or minor in scope, and at what interval the change is being proposed (Preliminary Plat, Final Plat, or Recordation). A determination will be made by the Community Development Director upon receipt of comments from reviewing City departments whether the changes are "minor authorized" changes and the Final Plat may be presented to the City Council or if the change is material and a "revised" Preliminary Plat will be required for consideration by the Planning & Zoning Commission and City Council. Minor authorized changes may include adjustment, variation, and reduction of lots, lot lines, easements or statements contained in the Preliminary Plat if they are found by the Community Development Director to be consistent with the intent and design of the approved Preliminary Plat. Adding lots, streets or creating exceptions to the City's design standards are changes which will require a "revised" Preliminary Plat.

- A. **Amendments between Preliminary Plat and before Final Plat:** Any minor amendment proposed following Commission approval of the Preliminary Plat will be highlighted for consideration by the City Council as part of the Final Plat application. Major amendments to the Preliminary Plat will be returned to the Commission for further consideration.

- B. **Amendments following approval of Final Plat and before recording:** The Community Development Director may administratively approve any minor amendment (i.e., change of street names, decrease in the number of lots, nominal increases or decreases of lot sizes; nominal changes in the location of streets, easements, and other public rights-of-way), to a Final Plat which has already been approved by the City Council. Any major amendment to a Final Plat which follows Council approval will be referred to the City Council.
- C. **Amendments which follow recording:** Any plat of a subdivision that has been filed for record may be amended to correct an error in any course or distance or other necessary item that was omitted therefrom, or to correct a drafting, graphic, technical, or similar type error, determined to be minor in scope by either the Community Development Director or a representative Committee delegated to evaluate such amendment proposals (scribner's error), and subsequently recorded in the office of the County Recorder.
1. The Community Development Director may administratively approve any minor amendment (i.e., change of street names, decrease in the number of lots, nominal increases or decreases of lot sizes, nominal changes in the location of streets, easements and other public rights-of-way). The Community Development Director shall examine such amended plat, and if such examination discloses that the only changes on the amended plat are changes authorized above, he shall certify this to be a fact over his signature on the amended plat. Thereafter, the amended plat shall be entitled to be recorded in the office of the Recorder in which the original subdivision plat was recorded.
  2. For any change in a recorded subdivision plat which exceeds the criteria noted above, such change shall be approved by the City Council.

#### **412.00 Reversion to Acreage / Plat of Abandonment**

- 412.01 Streets, alleys, rights-of-way, easements, reserve strips or other public use ways or facilities may be abandoned by the City Council pursuant to the provisions of this section.
- 412.02 In order to initiate an abandonment proceeding for all or a portion of a recorded subdivision, an application for abandonment must be filed with the Community Development Director. If the abandonment is proposed by a private citizen, a preliminary title report shall be submitted by the property owner(s) for the property proposed to be abandoned or reverted to acreage. Applications for the disposition of a public road within the City must be filed with the City Engineer. The application fee shall be paid by the applicant at the time of filing.
- 412.03 Upon receipt of said application, the Community Development Director shall conduct an investigation and shall distribute the request to reviewing agencies for comment including but not limited to the City Public Works Department, County Assessor, local fire district, emergency service agencies and municipalities within three (3) miles of the subdivision, County Treasurer or other agencies as deemed appropriate by the Director. Upon receipt of the reviewing agency comment(s), if any, the Director shall prepare a report for presentation to the Commission for consideration of a recommendation to the City Council at a duly noticed public hearing. Such application may necessitate consideration for rezoning if the Commission deems it necessary or desirable.

- 412.04 Within sixty (60) days upon receipt of an abandonment application, the Commission shall conduct a duly noticed public hearing. Upon completion of said hearing, the Commission shall recommend that the City Council approve, approve in modified form, or deny said application as well as indicate whether or not zoning changes should accompany any action for abandonment. Any action to recommend approval of abandonment shall be based upon the following findings:
- A. That said abandonment is in the interests of the general welfare of the City and is in correlation with the General Plan.
  - B. That said abandonment would not prohibit or unduly inhibit access by the public-at-large, nearby property owners and public utilities with proposed development in adjacent areas.
  - C. That said abandonment would not eliminate public access ways which may be presently in use or desirable for future use.
- 412.05 Within sixty (60) days of a recommendation action by the Commission, the City Council shall conduct a duly noticed public hearing. Upon completion of the public hearing, the City Council shall approve, approve in modified form, or deny said application. Any action to approve shall be based upon the findings set forth under Section 412.04.
- 412.06 Upon City Council approval of an abandonment application, the applicant shall prepare the proper abandonment documents and plat, including any required deeds of conveyance and submit them to the Community Development Director for recording. The abandonment shall be effective when recorded along with an abandonment resolution in compliance with Arizona Revised Statutes.
- 412.07 Whenever an abandonment is approved for publicly owned rights-of-way, the rights-of-way shall vest in the abutting property. Zoning for abandoned rights-of-way shall be the same as the properties to which they are conveyed. Rights-of-way or easements of existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals or ditches and appurtenances, and for electric, telephone, and similar lines and appurtenances shall continue as they existed prior to the abandonment.

## ARTICLE 5

### ASSURANCE FOR COMPLETION OF IMPROVEMENTS VERIFYING COMPLETION OF IMPROVEMENTS RELEASE OF ASSURANCES

#### **500.00 Disclosure of Financial Assurances**

- 500.01 No final subdivision plat will be recorded by the City of Cottonwood unless an approved method of assurance is submitted with the Final Plat and approved by the City Council. Utility service assurances shall be provided by letter from water, sewer, and other utility companies to guarantee improvements.
- 500.02 The subdivider shall furnish with the Final Plat a cost estimate for construction of the required on and off site improvements, signed and sealed by a professional engineer. The amount of the assurance shall be based on the engineer's cost estimate for all required and remaining site improvements, including reasonable costs for project administration, as approved by the City Engineer, unless a third party trust agreement will be used as financial assurance.
- 500.03 If the subdivider chooses to construct the required improvements prior to the recording of the Final Plat, he shall first obtain the necessary permits from the City Community Development Department before construction begins. A certificate by the Engineer of Record on the as-built plans stating that the construction has been completed in substantial conformance to the specifications and standards contained within the approved construction plans, must be reviewed and acceptable to the City Engineer, prior to recordation of the Final Plat.

#### **501.00 Acceptable Financial Assurances for Required Improvements (subject to City Council Approval Prior to Recordation):**

- A. A method of financial assurance for required improvements will be provided by the subdivider. The assurance is subject to review and approval by the City Attorney and the City Council. Any one or more of the following are examples of acceptable financial assurances which may be required by the City Council and the circumstances associated with each.
1. **Performance Bond:** The subdivider shall file with the City of Cottonwood a bond executed by a surety company holding a license to do business in the State of Arizona, and acceptable to the City of Cottonwood, in an amount equal to the cost of improvements required by these regulations, including the cost of construction administration as determined by the City Engineer, and within the time for completion of improvements as estimated by the Engineer of Record and approved by the City Engineer.
  2. **Trust Agreement:** The subdivider shall place on deposit in a bank or trust company in the name of the City, and approved by the City Attorney, in a trust account a sum of money equal to the estimated cost of all site improvements required by this ordinance, including the cost of construction administration as determined by the City Engineer. The cost and time of completion shall be approved by the City Engineer. Periodic withdrawals may be made from the trust account for a progressive payment of installation cost. The amounts of such withdrawals shall be based upon

progress work estimates and approved by the City Engineer. All such withdrawals shall be approved by the Trustee.

3. **Unconditional Guarantee** from a bank or from other financial institutions as approved by the City of Cottonwood. The subdivider shall file with the City of Cottonwood a letter, signed and notarized by the principal officer of the financial institution acceptable to the City of Cottonwood and approved by the City Attorney, agreeing to pay the City of Cottonwood on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider or developer is responsible under these regulations. The guaranteed payment sum shall be determined from the estimated costs and scheduling as approved by the City Engineer, and shall include the cost of construction administration as determined by the City Engineer. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide together with a schedule for completion.
4. **Third Party Trust Agreements** Subject to review by City Staff and approved by the City Attorney and the City Council.
5. **Other methods** of assurance may be presented for approval by the City staff, City Attorney and City Council, at their sole discretion, including a letter of credit, certificate of deposit and certified check. The approval of any "other methods" shall be made by the City Council, in written form to the subdivider.

#### **502.00 Duration of Performance Bonds for Financial Assurances**

- 502.01 The performance bond or other assurance shall be sufficient in an amount and duration to achieve their stated purpose. Extension of time in one (1) year increments may be granted by the City Council by showing just cause. The assurance (surety) shall remain in force and effect until it is released by the City Council or has been authorized for partial release as provided for herein.

#### **503.00 Partial Assurance Reduction**

- 503.01 The City Engineer, upon receipt of a certification from the Engineer of Record, may authorize a reduction of the assurance for the work completed in accordance with the approved cost estimate and construction plans. A percentage (10%) of the estimated cost of completed improvements will be retained to insure sufficient funds remain to insure completion of the site improvements, final inspections and preparation of final 'as-built' plans.

#### **504.00 Partial Release of Lots**

- 504.01 The City Engineer, upon receipt of a certification from the Engineer of Record, may authorize release of lots from a Third Party Trust in accordance with said document.

#### **505.00 Default**

- 505.01 In the event that the subdivider defaults or fails or neglects to satisfactorily install the required improvements within the time agreed upon for performance, the City Council may declare the bond, or other assurance forfeited, and the City may make or cause the required improvements to be made, using the trust funds or proceeds of the collection of the bond or other assurance to defray the expense thereof. In addition, the Community Development Director shall notify the State Real Estate Commissioner of the default.

## **506.00 Inspection and Release**

- 506.01 The subdivider, using the services of an Arizona Registered Professional Engineer and plans as approved by the City Engineer, shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than thirty (30) days prior to the release date of the bond or other assurance, the Engineer of Record shall make an inspection of the improvements and shall submit a set of 'as-built' construction plans if complete or a report on the status of improvements if only partially complete to the City Engineer. The City Engineer will review the as-built plans and/or report and notify the developer of any noncompliance with the approved construction plans or with these regulations. If the City Engineer determines that compliance has been made, he will then submit a report to the City Council, setting forth the conditions of such facilities.
- 506.02 The certification below shall be sealed by the Engineer of Record, or any licensed engineer in the State of Arizona, on the as built plans. Plans must be approved by the City Engineer and presented to the City Council prior to the surety release. If all conditions are found to be satisfactory and the improvements comply with City Standards, the City Council shall release the surety. If the condition of materials and/o workmanship does not comply with City Standards and the approved construction plans the City Engineer will present this information to the City Council who may declare the subdivider in default. Certification Statement shall read as follows:

"In my professional opinion, the construction of *[the specific site improvements required for approval]* has been completed in substantial conformance with the construction plans and specifications including changes and addendums. My professional opinion is based, in part, upon the completion of certain tests and measurements and/or the review of the results of such tests and measurements completed by others."

## **507.00 Subdivision Street Maintenance**

- 507.01 Once the improvements are approved and the surety released, the City Council will review the streets for acceptance into the City System for Maintenance and City Public Works standards.

## ARTICLE 6

### DESIGN STANDARDS

#### 600.00 General

- 600.01 **Access to City Street System:** Adequate primary, secondary and emergency access, if necessary, shall be provided from an existing dedicated public street to land being subdivided. Approval of such access shall be a condition of the plat by the Commission and City Council.
- 600.02 **Inclusion of Properties:** Portions of any contiguous property within the control of the subdivider shall not be excluded from within the boundaries of a subdivision when needed or required for any traffic, drainage, or flood control facility pertinent to said subdivision.
- 600.03 **Qualified Designers:** The design of those improvements of a subdivision such as structural matters, streets, drainage provisions, water supply and sewage disposal shall be made by an engineer registered in the State of Arizona and qualified to specify the standards for such design.
- 600.04 **Supplemental Design Standards:** A set of standards may be recommended by the Commission and approved by the City Council by resolution on each item as described herein. These standards shall be in addition to this Ordinance, and shall be developed by the City Engineer and Community Development Director, in consultation with the Planning & Zoning Commission. These standards may be revised in response to changing circumstances or requirements or technological improvements justifying such changes.

#### 601.00 Watercourses

- 601.01 **Easements:** In the event that the subdivision is traversed by or is contiguous to lakes, streams, washes, or other bodies of water, the subdivider shall provide an easement or right-of-way for storm drainage substantially conforming with the line or path of any natural watercourse, channel, stream or creek, or provide an acceptable realignment of said watercourse. Easements exceeding 20 feet in width may be required to provide for non-motorized access along this corridor, as indicated by the City of Cottonwood General Plan.
- 601.02 **Conformance to Flood Prevention Regulations:** Subdividers shall be required to comply with the rules and regulations of the Flood Damage Prevention Regulations, Ordinance 218 of the City of Cottonwood. The Preliminary and Final Plat submittals shall include information as specified by these regulations and shall depict information including but not limited to floodway and flood fringe locations and minimum finished floor elevations, within the floodplain.
- 601.03 **Review by City Engineer:** The City Engineer shall review all subdivision plat materials regarding flood information provided and provide professional recommendations and analysis to the Planning & Zoning Commission and City Council.

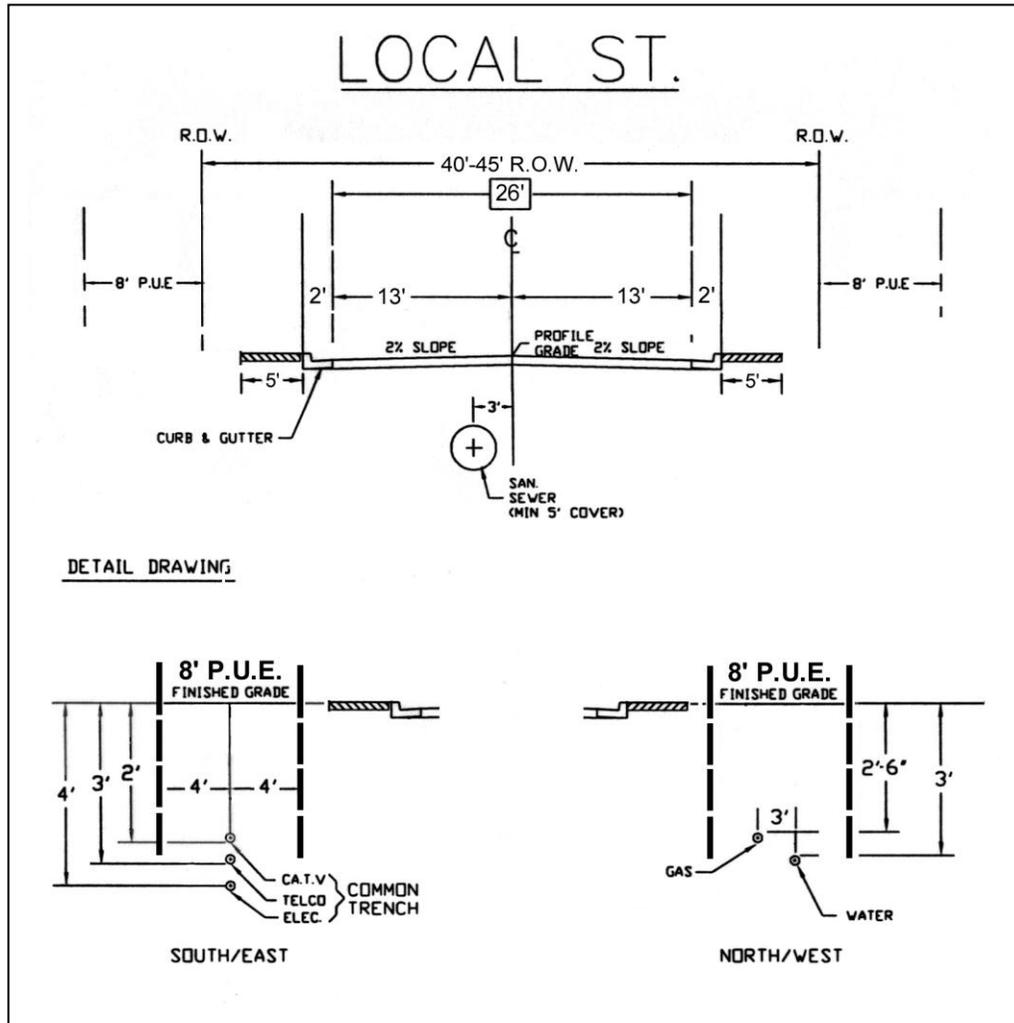
#### 602.00 Streets, General

- 602.01 **Conformance to City Street Standards:** The arrangement, character, extent, grade, width, and location of all roadways or streets shall conform to these regulations, Public Works standards, specifications and details, any adopted transportation plan, General Plan of the City or specific area community plan affecting said street locations. Street

design profiles shall conform to all related provisions of the Subdivision Design Standards and to the cross-section examples provided with this section. In addition to curbing and surfacing requirements, all City streets shall include sidewalks. Minimum right-of-way width shall be adjusted to meet these standards as necessary. Any street lighting shall be fully shielded in conformance with the City's Outdoor lighting ordinance.

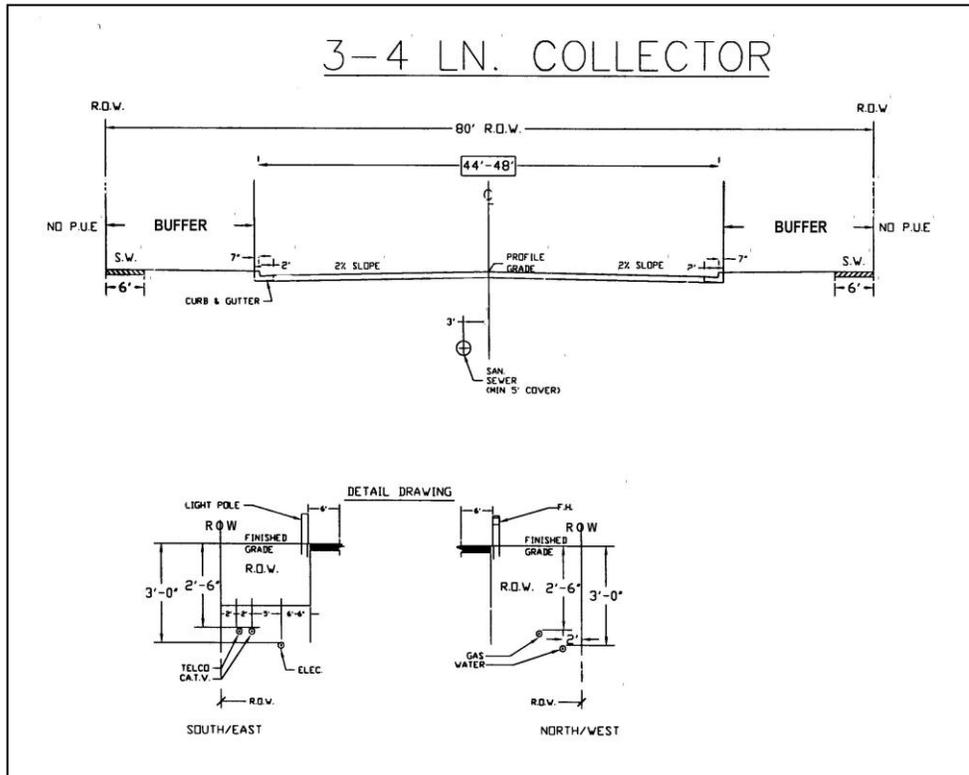
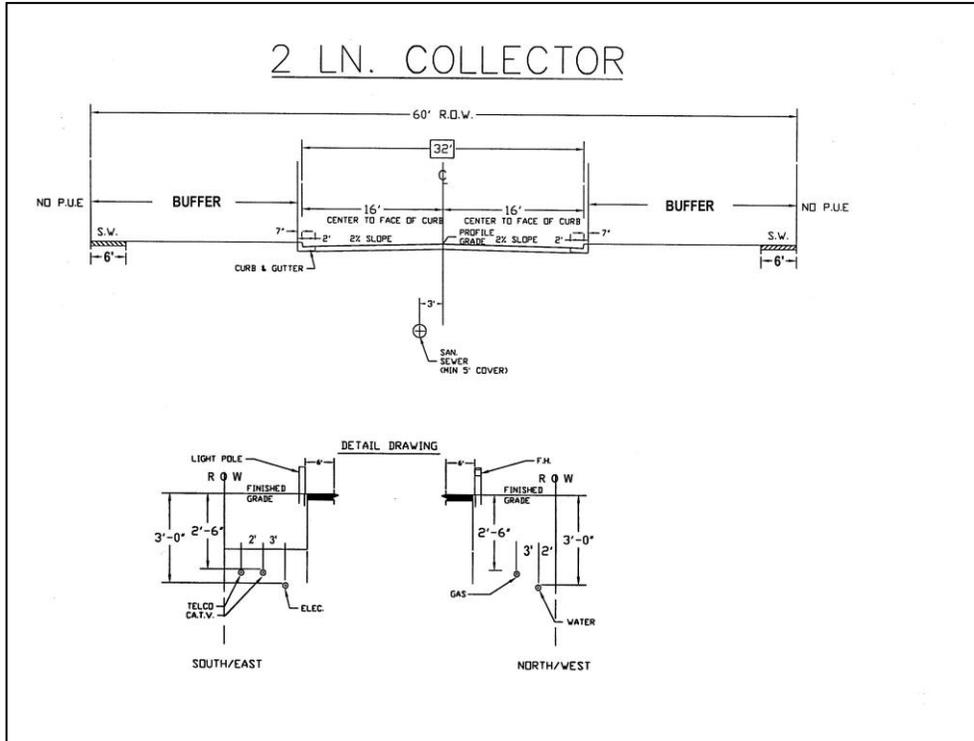
**A. Local Streets.**

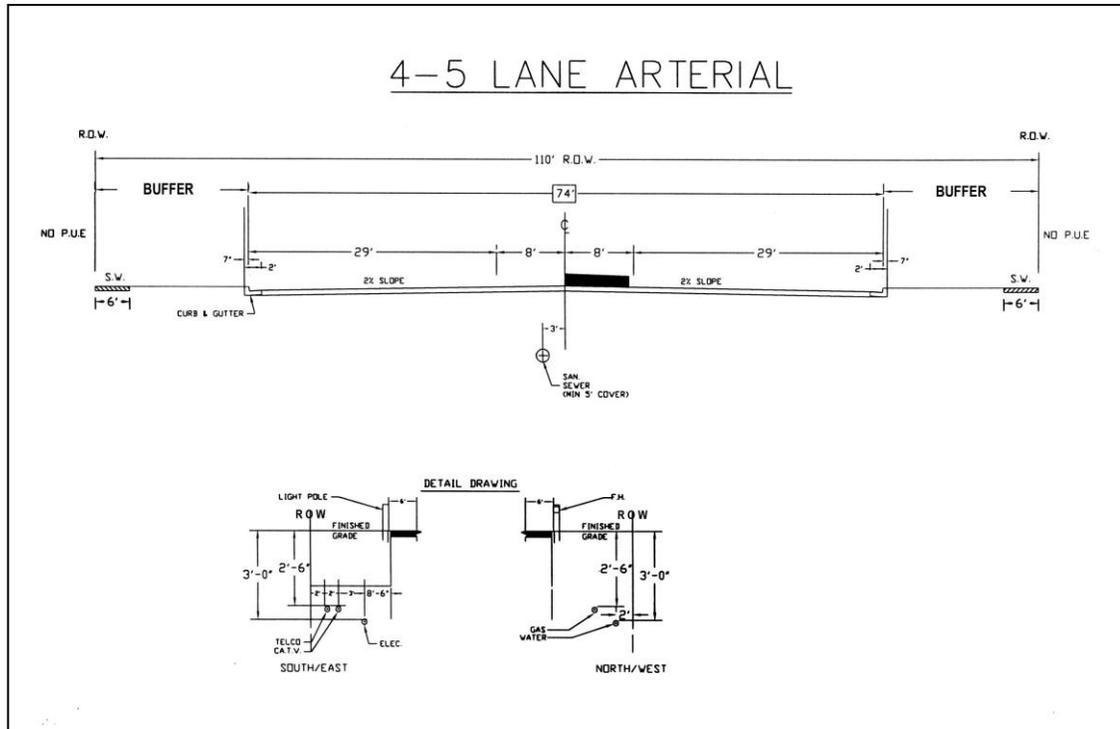
Local residential streets shall feature a right-of-way width of 40-45 feet (to be adjusted as necessary); and an 8 foot wide Public Utilities Easement on each side of the right-of-way (unless alleys are provided at the rear for this purpose). The road section features rolled or vertical curbs. Road surface shall be developed to a width of 30' measured from the back of curb to back of curb. Sidewalks will be attached to the curb and developed at a width of five (5) feet. Curb return radii shall not exceed 15 feet. Water and gas lines will be placed in the Public Utility Easement on the north or west sides of streets. Sewer will be placed under the street. All other utilities will be placed within the Public Utilities Easement on the South and East sides of the street.



**B. Collectors and Arterials.**

No parking is allowed on arterials or collector streets. All utilities will be placed underground within the right of way.





- 602.02 **Traffic Continuity:** The arrangement of streets shall provide continuation or appropriate projection of existing streets in surrounding areas, as indicated by the General Plan, its specific area plans or the City Traffic Plan. All center lines shall be continuations of the center lines of existing streets and highways in contiguous areas. In cases where straight continuations are not physically possible, such center lines may be continued by curves.
- 602.03 **Street Classification System:** Each subdivision design shall provide for adequate traffic circulation that incorporates the adopted City street functional classification system as described by the General Plan to handle the projected traffic volumes on the streets.
- 602.04 **Rights-of-Way:** The minimum width of right-of-way, measured from lot line to lot line, shall be as prescribed by the City Engineer, any approved transportation plan, the General Plan, specific area plan and these regulations. Proposed streets shall extend or project existing streets.
- 602.05 **Construction and Surfacing:** All streets and highways shall be constructed and surfaced to meet specifications approved by the City Council as recommended by the City Engineer and as may be established by resolution. The subdivider shall improve the extension of all subdivision streets and other public ways to the intercepting City street or state highway.
- 602.06 **Drainage Structures:** Structures or culverts shall be installed as deemed necessary by the City Engineer for drainage, access and public safety. Such structures and culverts are to be placed to grades and be of design and size approved or authorized by the City Engineer. Adequate drainage of the subdivision streets shall be provided by means of said structures or culverts, channels and by other approved methods, in accordance with the Public Works standards adopted by the City Engineer and City Council.
- 602.07 **Design Standards and Maintenance:** All streets and alleys developed or improved in conjunction with subdivision development shall either be:

- A. Built to City standards, dedicated by the plat and accepted by the Council; or
  - B. Built to City standards, dedicated by the plat and approved by the City Council in conjunction with an approved special maintenance district, completion bond, trust, improvement district, or other appropriate security; or
  - C. Built to City standards and maintained as private streets.
- 602.08 **Property Access:** Provisions shall be made in the design of subdivisions for access to each lot or parcel, and for access to adjacent properties in conformance to City street standards. Driveway access and surfacing for public and private roads must meet City Fire Department standards.
- 602.09 **Half Streets:** Half streets shall only be accepted where they are a portion of the arterial or collector street system approved as part of the City transportation plan, General Plan or specific area plan.
- 602.10 **Arterial/Collector Frontage:** When a tract abuts an arterial or collector street the Planning and Zoning Commission, at their sole discretion, may require lots within the subdivision to have reverse access to preserve street capacity through access control.
- 602.11 **Utility Crossings:** Provisions shall be made for public or private utility crossings necessary to provide access to or circulation within the proposed subdivision. Except where alleys are provided for that purpose, easements for utilities shall be placed in accordance with design schematics for street cross-sections provided by this ordinance. Where necessary, additional easements shall be located as needed. Half or partial easements may only be approved where written commitment of dedication of necessary additional easements are on record. All easements shall be in accordance with those approved by the utility companies concerned and shall conform to the street cross-sections described by this ordinance.
- 602.12 **Local Streets:** Local streets shall be designed to provide proper circulation of local traffic.
- 602.13 **Dead End Streets:**
- A. Sprinklers are required to be installed in homes in conformance to the adopted International Building and Fire Codes, in which case dead-end lengths may be extended to 1,320 feet. Dead end streets shall be designed at the closed end with a circular turn-around for a cul-de-sac having a right-of-way diameter of at least 100 feet, and a pavement diameter of 90 feet. Said cul-de-sac shall be designed to meet adopted fire code requirements or specifications of the City Fire Department.
  - B. Where it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundary of such property. Such dead end streets shall be provided with a temporary turn-around having an easement diameter of at least 100 feet.
- 602.14 **Intersections:**
- A. Collector and arterial street intersections shall be as nearly at right angles as possible. No local street intersection shall vary from a 90 degree angle by more than 15 degrees.
  - B. Property line radii at street intersections shall be approved by the City Engineer.
  - C. Offset intersections of less than 135 feet in length shall not be approved.

602.15 **Street Names:** Proposed street names shall be assigned and administered in accordance with the provisions of the City addressing system. Addresses are issued through the Building Department / Community Development Department.

### **603.00 Lots**

603.01 **Arrangement:** Each lot must front upon a public street or approved private street.

603.02 **Minimum Size:** Each lot shall contain a usable building site. The area of a lot shall be deemed the area shown, exclusive of any area designated for street purposes or any easement for access or streets shown on the plat.

603.03 **Corner Lots:** Corner lots shall be 10% wider than typical lots in the subdivision to accommodate the greater setback requirements. Side yards adjacent to streets shall be designed to ensure appropriate traffic visibility (i.e., site distance) as recommended by AASHTO design standards.

### **604.00 Sanitary Sewage and Water Systems**

604.01 **Minimum Requirements:** The requirements for development of public water supplies and of community sewage disposal systems shall not be less than those outlined by Arizona Department of Environmental Quality regulations and engineering criteria for such installations. Every subdivision shall have an approved water system.

604.02 **Water Supply:** Water mains connecting with existing City or private utility systems shall be installed to serve each lot. Prior to the approval of the Final Plat, the subdivider shall submit a letter from the governing body of the water system certifying the ability of the system to serve the proposed subdivision and evidence that a satisfactory agreement has been made for the connection to the system. Subdivider will also be required to provide Arizona Department of Water Resources verification of "Adequate Water Supply." Water mains and fire hydrants shall be installed to grades, location, design, and sizes on plans submitted by a registered engineer in the State of Arizona and approved by the water utility company and the Fire Department.

604.03 **Reclaimed Water Systems:** The subdivider shall comply with Section 301.3.1 of the International Plumbing Code (2003) as amended by the City of Cottonwood pertaining to installation of an approved dual drainage system in support of gray water reclamation; or a superior water conservation, re-use and/or recharge system which may be approved by the City Council as part of a Planned Area Development proposal.

604.04 **Sewer Connection:** The subdivider shall connect with the City sewer system, as prescribed by City Sewer Policy, Ordinance No. 246.

604.05 **Sewer Collection and Treatment System:** Should connection to the City sewer system not be available, as determined by the City Engineer, sewer collection and treatment system shall be required as a condition of approval for any subdivision, as recommended by the City Engineer, City Planning and Zoning Commission and approved by the City Council.

604.06 **Septic Disposal:** When connection to a sanitary sewer system is not available, as determined by the City Engineer, per Ordinance 246, septic tanks or other disposal methods may be permitted provided that a statement is submitted to the Commission by the County Environmental Services Department certifying that field investigation has determined that ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and size as depicted on the subdivision plan. Minimum lot size may be increased due to requirements of the County Health Department or Arizona Department of Environmental Quality, relating to water and

sanitary sewage systems. In addition, a sewer connection system (dry lines) may be required for future connection to a sanitary sewer system.

**605.00 Monuments**

- 605.01 **Manner of Placement:** Monuments shall conform to statutory requirements and use a steel pin or pipe if possible, capped, tagged or stamped with a registered surveyor's number.
- 605.02 **Placement Interval:** Within streets, survey monuments will be required at all street intersections and at the point of curvature and point of tangency of all curves and shall be set in accordance with Public Works standards.

## ARTICLE 7

### MINOR LAND DIVISION AND LOT LINE ADJUSTMENT

#### 700.00 Minor Land Division

700.01

**Purpose:**

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

#### 701.00 Authority

701.01

By authority of the Cottonwood City Council adopted pursuant to powers and jurisdictions vested through Arizona Revised Statutes, Section § 9-463 and Section § 9-463.01 pertaining to subdivision of lands within incorporated areas, and other applicable laws, statutes, orders, and regulations of the State of Arizona and the City of Cottonwood, the Cottonwood City Council does hereby grant the Community Development Director, hereafter referred to as "Director," the power and authority to administratively review and approve or disapprove of minor divisions of land within the City of Cottonwood, as per the regulations contained herein.

- A. **Effective Date:** The regulations contained in this Article shall apply to all divisions of land made within the corporate limits of the City of Cottonwood as of the effective date of this ordinance as adopted by the Cottonwood City Council.
- B. **Definition:** Minor Land Division is the same as "land splits," which as used in this article means the division of improved or unimproved land whose area is two and one-half acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease.
- C. **Applicability:** The division of improved or unimproved land or lands into two (2) or three (3) lots, tracts, or parcels, and which does not involve a new street, shall be subject to the provisions of this Article.
- D. **Subdivision:** The division of any property into four (4) or more parcels, or two (2) or more parcels if a new street is involved, or the division of any property, the boundaries which have been fixed by a recorded plat, into more than two (2) parcels, shall proceed through the Subdivision process, as described in the Cottonwood Subdivision Ordinance.

## **702.00      General Standards**

- A. All lots created through Minor Land Divisions shall comply with all requirements for the specific zoning district in which the divisions are located. This includes compliance with the following standards, if applicable:
  - 1. Minimum lot size.
  - 2. Minimum lot width.
  - 3. Minimum setbacks.
  - 4. Minimum yard or frontage requirements.
- B. No lot or parcel shall be divided so that any division of the lot contains more dwelling units than are permitted by the zoning district for which the lot or parcel is located.
- C. No lot or parcel shall be divided so that any division of the lot or parcel results in the creation of a non-conforming structure or use.
- D. No lot or parcel shall be divided so that any division of the lot results in a lack of legal access to any lots or parcels created by or resulting from the division.
- E. No lot or parcel shall be divided so that any division of the lot results in the creation of a lot that does not abut a dedicated public street improved to City standards and connecting with the public street system. Public or private access easements which are filed in the public records of Yavapai County as of August 14, 1979, are exempt from this requirement.

## **703.00      Application Requirements**

703.01      **Format for Presentation:** This section outlines the minimum information needed to enable the City to make informed and expeditious decisions regarding applications for Minor Land Divisions. Unless more restrictive requirements are indicated, all mapped data shall be drawn to an accurate scale of not greater than one inch equals one hundred feet (1" = 100'); and shall be submitted on a sheet size of either twenty-four inches by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24"). Unless exempted by the Director, the information contained in this Section shall be provided by each applicant.

- A.      **Minor Land Division Application Submittal:**
  - 1. Completed Minor Land Division Application on form prepared by City.
  - 2. Minor Land Division Survey, including six (6) copies of the Minor Land Division Map from a land surveyor or professional engineer registered in the State of Arizona containing the following information:
    - a. Title, which shall read "Minor Land Division Map for "(name of applicant)".
    - b. Location by section, township, and range.
    - c. Legal description of land involved.
    - d. Name, address, and phone number of property owner of record.
    - e. Scale, north point, and dates of preparation and revisions.
    - f. Name, address, registration number, and seal of the registered land surveyor and/or professional engineer of record preparing the map with signature.
    - g. Boundaries of the tract to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be clearly identified.
    - h. Location and dimensions of all lots within the Minor Land Division Map. All sides of the proposed lots shall be identified by bearing and distances.

- i. Indicate the size of each lot, tract or parcel with measurements shown in square feet and acreage.
  - j. Show existing streets (public or private); and lot, tract or parcel lines. Indicate portion of parcel line for any abutting parcels for identification purposes.
  - k. Identify existing and proposed easements, including access, utility, drainage and other easements, by course, length and width.
  - l. All lots shall be identified by number or letter.
  - m. If questions pertaining to property boundaries develop, the Community Development Department may require location of existing physical and natural features to be shown, including, but not limited to, buildings, structures, driveways, bridges, culverts, walls, fences, drainage courses, slopes and similar features.
  - n. The map shall include provisions for signatures by the Community Development Director and the City Engineer.
  - o. Location for Recorder's information.
  - p. Identify any public utility extensions or upgrades, when required, to serve proposed land division.
  - q. Provide other information as deemed necessary by the Director to enable the City to determine if the proposed Minor Land Division conforms to applicable ordinances and regulations.
3. Payment of a fee, as set by the City Council, for review of the application and for any revisions of official City maps to reflect the land division.

## **704.00 Application Process**

### **A. Pre-Application Meeting:**

1. The applicant shall meet with the Director, or his/her designee, to discuss the proposed Minor Land Division. The Director shall advise the applicant of the specific objectives of this article and the specific procedures, standards, and approval process regarding the review of the application.
2. The Director shall advise the applicant regarding the standards to determine whether the proposed division of land would constitute a subdivision.

### **B. Planning Review of Completed Application Submittal:**

The Director, or his/her designee, shall check all application submittals to ensure compliance with City Department comments and applicable City codes and ordinances. It shall be the responsibility of the Planning Department to ensure that all relevant city departments or other agencies receive copies of the proposal for review. The following information is required at the time of application:

1. Completed application form.
2. Completed land division survey map and all related documentation as determined with at least six (6) copies for review by other departments.
3. Application fee.

### **C. Inter-Departmental Review:**

The Planning Department shall route copies of the proposed Minor Land Division to applicable city departments, including Planning, Building, Public Works, Utilities and Fire Departments for review and comment prior to final decision by the Community Development Director.

D. **Review Process:**

Upon receipt of a completed application, the Director, or his/her designee, shall provide a decision on the application within thirty (30) days. Review by city departments will be completed and comments returned to the Director prior to a final decision. Approval or denial may be based upon the requirements listed in Section 702.00 of this article describing General Standards.

E. **Appeal:**

Any applicant for Minor Land Division who is dissatisfied or aggrieved by the decision of the Community Development Director may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Director's decision.

F. **Actions after Final Approval:**

If approved, the applicant shall submit the following:

1. A final, recordable, reproducible, map twenty-four inches by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24") consistent with the approved plan as described in Section 703.1 for the Minor Land Division Map.
2. The format for recording shall meet all requirements of the Yavapai County Recorder's Office, including size of map, type of paper material, margins, type size and other required elements.
3. Once approved by the City, the applicant shall record the Minor Land Division map with the Yavapai County Recorder's Office. A copy of the recorded minor land division map shall be provided to the Community Development Department after being recorded. Said recording shall occur within sixty (60) days of approval, or the Minor Land Division shall automatically become null and void.

## 705.00 Lot Line Adjustment

705.01 **Purpose:** The Lot Line Adjustment is an agreement between adjoining property owners to adjust a common boundary line which does not result in a net gain in the number of lots or parcels. For purposes of this Article, a Lot Line Adjustment shall conform to the following provisions:

- A. A Lot Line Adjustment between owners of adjoining properties solely for the purpose of revisions to common boundary lines; and,
- B. Additional lots or parcels are not being created; and,
- C. All lots remaining after the Lot Line Adjustment shall contain conforming setbacks and minimum lot size, width, depth, and frontage as required by the Zoning Ordinance, and shall meet all other lot development standards of the City of Cottonwood's Zoning Ordinance.

705.02 By authority of the Cottonwood City Council adopted pursuant to powers and jurisdictions vested through Arizona Revised Statutes, Section § 9-462.01 pertaining to zoning regulations, and Arizona Revised Statutes, Section § 9-463 pertaining to subdivision of lands within incorporated areas, and other applicable laws, statutes, orders, and regulations of the State of Arizona and the City of Cottonwood, the Cottonwood City Council does hereby grant the Community Development Director, hereafter referred to as "Director," the power and authority to administratively review and approve or disapprove of minor adjustments of lot line boundaries for parcels within the City of Cottonwood, as per the regulations contained herein.

- A. **Effective Date:** The regulations contained in this Article shall apply to all adjustments of lot lines made within the corporate limits of the City of Cottonwood as of the effective date of this ordinance as adopted by the Cottonwood City Council.
- B. **Applicability:** The adjustment, revision or moving of common boundary lines between lots, tracts, or parcels that does not create additional lots, tracts or parcels shall be subject to the provisions of this Article.

705.03 **General Standards:**

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

705.04

**Application Requirements:**

This section outlines the minimum information needed to enable the City to make informed and expeditious decisions regarding applications for Lot Line Adjustments. Unless exempted by the Director, or his/her designee, the information contained in this Section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than one inch equals one hundred feet (1" = 100'). Unless otherwise directed, the map data shall be drawn on a sheet size of twenty-four inches by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24").

A. **Lot Line Adjustment Package:**

1. Completed Lot Line Adjustment Application of form prepared by City.
2. Lot Line Adjustment Survey: two (2) copies completed by a registered land surveyor in the State of Arizona.
3. Payment of an Application Fee as set by the City Council.

706.05

**Lot Line Adjustment Application Process:**

A. **Application Submittal:**

An application for Lot Line Adjustment shall be submitted to the Director with two (2) copies of the lot line adjustment survey and the application fee. The Director shall have thirty (30) working days to approve or reject the application

B. **Review Process:**

If necessary to accurately review the application, the Director may require additional information to be shown on the Lot Line Adjustment map, including buildings, structures, streets, driveways, and other information as per Section 705.03 regarding General Standards. If rejected, written notice shall be provided to the applicant via first class mail, postmarked within ten (10) days after the expiration of the thirty (30) day review period. The written notice shall specify the reasons for denial.

C. **Appeal:**

Any applicant for Lot Line Adjustment who is dissatisfied or aggrieved by the decision of the Community Development Director may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Director's decision.

D. **Actions after Final Approval:**

If application is approved, the applicant shall submit the following:

1. A final, recordable, reproducible map either twenty-four inches by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24") consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of each lot, track, or parcel, and signature block for the Community Development Director, or his/her designee.
2. Upon approval by the Director, the applicant shall record the Lot Line Adjustment map with the Yavapai County Recorder's Office. A copy of the recorded Lot Line Adjustment shall be provided to the Community Development Department after being recorded. Said recording shall occur within sixty (60) days of approval or the Lot Line Adjustment shall automatically become null and void.

## ARTICLE 8

### CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

#### 800.00 Condominiums and Condominium Conversions

##### 800.01 **Purpose:**

It is the purpose of this section to establish requirements and procedures for new Condominium Developments and Condominium Conversions for existing development so as to ensure such developments provide for the public health, safety and general welfare through adherence to development standards as provided in the City of Cottonwood Subdivision Ordinance and other applicable City codes and ordinances, including adequate provision of water supply, sanitary sewerage and similar common facilities.

##### 800.02 **Definition:**

As per Arizona Revised Statutes § 33-1202, Definitions, "Condominium" means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

##### 800.03 **Applicability:**

Condominium and Condominium Conversion is subject to the regulations as described by Arizona Revised Statutes, Title 33, Chapter 9, Condominiums, and Title 9, Chapter 6.2, Municipal Subdivision Regulations. The creation of a condominium form of ownership for properties shall be through the subdivision platting process. There must be a minimum of four (4) units in order to qualify for a condominium through subdivision platting. (ARS §§ 33- 1201. et seq., and 9-463. et seq.)

#### 801.00 General Standards

##### A. **General.**

The City Council shall not refuse approval of a final plat of a project described as a condominium under provisions of the subdivision regulations because of location of buildings on the property shown on the plat not in violation of such subdivision regulations or on account of the manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to such plats on the basis of parcels or lots on the surface of the land shown thereon as included in the project. Plats of such projects may be based on building footprints but, as per state statute, they do need not show the buildings or the manner in which the buildings or airspace above the property are to be divided. This subsection does not limit the power of the City Council to regulate the location of buildings in such a project by or pursuant to a zoning ordinance.

**B. New Condominium Development.**

New condominium development shall be subject to the standard procedures and requirements for development, as established by the City of Cottonwood, including compliance with zoning ordinances, building codes, design review and other applicable codes and ordinances.

**C. Condominium Conversion.**

Condominium Conversion of existing development shall be subject to Final Plat approval by the Planning and Zoning Commission and City Council.

1. **Disclosure Report Requirements:** The subdivider shall submit an affidavit stating that the units to be converted meet the applicable standards of the Building Code, Municipal Code, Title 15, Buildings and Construction. Any subdivider who files a final plat for a condominium, cooperative, community apartment, townhouse development, or manufactured home subdivision, whether for the purpose of new development or the subdivision of an existing development, shall submit a copy of a report on the physical condition of all buildings, structures, and other improvements to the property to be subdivided prior to approval of a final plat by the Mayor and Council. This report shall be made available by the subdivider to all prospective purchasers of the initial condominium units prior to execution of a binding contract of purchase. The Disclosure Report shall be recorded with the Yavapai County Recorder at the same time as the Final Plat. The report shall contain the following:

- a. A report describing, to the best knowledge or estimate of the subdivider, the physical condition of elements of the structure, equipment, or appliances in a unit, the repair or replacement of which will be the responsibility of the purchaser. The report shall state the approximate date on which the element, equipment, or appliance was originally constructed or installed; the approximate date on which it was subsequently replaced or will likely require replacement; and the current estimated cost of replacement.
- b. This report shall not be construed to create any warranties, express or implied.
- c. A report containing information to be obtained from the City Fire Department describing the extent to which the buildings and structures to be converted by the plat submitted by the subdivider deviate from applicable requirements of the Fire Code, Municipal Code, Title 15, Chapter 15.24 and related sections of the Building Code, Municipal Code, Title 15, Buildings and Construction in the following specified areas of fire safety:
  - 1) Accessibility of buildings and structures to fire-fighting equipment; and
  - 2) Proximity and frequency of fire hydrants; and
  - 3) Description of the building construction rating for "party walls" and fire barriers between units.
- d. A statement of the estimated fees or assessments, if any, that the purchaser of a unit will pay, on a monthly and yearly basis, for at least a two (2) year period following purchase.
- e. A report from a licensed pest control operator on each building or structure and each unit within the building or structure.

- f. A statement of the unit's average monthly utility costs, including water, sewer, trash collection, electricity and natural gas, based on the preceding twelve (12) month period, where the subdivider has access to such utility cost data.
2. **Certificate of Occupancy:** Prior to Final Plat Approval, evidence of building permits and/or Certificate of Occupancy for the original construction must be submitted or the applicant must provide plans of the site with the water distribution system and wastewater drainage system shown on as-built plans "signed and sealed" by an Arizona registered professional engineer. Copies of the required ADEQ application for such may be submitted to fulfill this requirement. The Professional Registrant must also submit a "signed and sealed" statement that indicates that the existing systems are properly installed and located as per Building Safety requirements. The statement shall indicate the year the structure was built, the building codes in effect at the time of construction completion, if known, and the results of independent testing of the "party walls" or fire barriers between units. Independent testing of at least 10% of the units in the overall project, including at least one unit in each separate building shall be required. This may require some site investigation by contractors to verify sizes and locations of systems and the physical condition of building components. The results shall be provided for the Building Official to review at the time the applicant applies for Final Plat Approval.

## **802.00 Application Process**

### 802.01 **General Requirements.**

#### A. **Sanitary Sewage, Water Supply and Refuse Disposal.**

It is the responsibility of the subdivider to provide the Arizona Department of Environmental Quality (ADEQ) with plans and applications for the design and operation of sanitary sewer facilities, water supply and refuse disposal, as required.

#### B. **New Condominium Development.**

For condominium projects being developed through new construction, the procedures for processing the application shall be the same as with other new development with the exception that the subdivision may be submitted directly for final plat review to the Planning and Zoning Commission and City Council after preliminary approval by staff that the plat complies with all technical requirements. The following steps are required for the review of new condominium development:

1. Code Review Board.
2. Development Review Board.
3. Submittal of Final Plat for Technical Review by Staff.
4. Submittal of Final Plat to Planning and Zoning Commission for Review.
5. Submittal of Final Plat to Mayor and City Council for review and approval.

#### C. **Condominium Conversion.**

Conversion of existing buildings to condominiums may proceed through an expedited process; however, such proposals still require review by various City departments and applicable agencies to ensure compliance with local and state requirements. Buildings constructed prior to issuance of building permits or certificates of occupancy may be required to provide evidence of adequacy of water distribution and wastewater drainage systems, as well as disclosure of building

conditions as they relate to building and fire codes. The following steps are required for the review of condominium conversion projects:

1. Code Review Board.
2. Submittal of Final Plat for Technical Review by Staff.
3. Submittal of Final Plat to Planning and Zoning Commission for Review.
4. Submittal of Final Plat to Mayor and City Council for Review and Approval.

### **803.00 Final Plat Approval**

- A. The Planning and Zoning Commission and Mayor and City Council shall review the Final Plat submittal for the condominium and make their determination for approval, approval with conditions or denial based on the requirements and procedures indicated in Title 4 of the Subdivision Regulations, and subject to the following:
  1. That the proposed condominium subdivision conforms to the adopted goals, objectives and policies of the City of Cottonwood.
  2. That the proposed condominium subdivision will not be detrimental to the public health, safety, and general welfare.
  3. That the proposed condominium subdivision is consistent with the provisions and intents of Zoning Code, as applicable to the property.
  4. That the proposed condominium subdivision conforms to the design standards set forth in this ordinance and other applicable City, County, State and Federal regulations.
- B. After the applicant has received the required approvals, the Final Plat for the condominium development may be submitted to the Community Development Director for recording.
  1. **Time Limit:** The applicant/subdivider shall have six (6) months from the date of approval by the City Council to submit all required materials and to demonstrate all conditions have been met.
  2. **Copies:** Three (3) reproducible sets of the Final Plat shall be submitted to the Community Development Director.
  3. **Fees:** All development fees for subdivision and recording must be received prior to the recording of the Final Plat. Recording fees shall be made payable to the Yavapai County Recorder.
  4. **Conditions, Covenants and Restrictions: (CC&R's)** The subdivider shall submit two (2) copies of the deed restrictions that describe the responsibilities of the unit owners for maintaining common areas and facilities and all other pertinent information and requirements as applicable.
- C. **Assurances:** Any assurances required for improvements in accordance with Article 5 of these regulations must be received and approved prior to recording of the Final Plat.
- D. **Certificate of Occupancy:** After recording of the Final Plat the applicant may then apply for Certificate(s) of Occupancy for the newly created Condominiums from the Community Development Department and sell the units as Condominiums in accordance with the requirements of the State of Arizona Department of Real Estate.

# Appendix

## Neighborhood Design Policies

It is the intent of this ordinance to promote the comprehensive planning and development of neighborhoods which function as safe and healthy places for human habitation. Specific neighborhood design principles have been identified as a means to promote more interactive residential environments which place the needs of its human residents at a higher level than the needs of the automobile. Attention to safety, security, aesthetics and pedestrian amenities are highly valued as well as the needs of bicycle and automotive traffic. Developers are encouraged to address the following elements in the physical design of neighborhoods:

### **Residential Lots**

Residential structures should be placed close to the street at common setbacks to encourage greater opportunity for neighborhood interaction and “eyes on the street.” Functional front porches are encouraged in residential design. It is encouraged that front porches be placed within 15 feet of the sidewalk, at an elevation which is also at least 30 inches above the sidewalk. Views should be directed toward the front and rear yards to enable closer placement of homes without reducing privacy. Physical definition should be provided between public and private lands by fences, hedges or garden walls. Public areas should be easily observable. Private yards, balconies and other spaces should be configured so as not to conflict with neighboring private spaces. Private open spaces should be protected by building placement and configuration. Vehicle storage, garbage and mechanical equipment should be positioned away from the street. Garages should be accessed from an alley. Where garages must be front loaded, the front side should be at least 20 feet behind the front plane of the house.

### **Streets, Alleys and Easements**

Alleys are encouraged as a means to reduce traffic on local streets and increase opportunities for emergency access and individual lot access drives; and to relieve local streets of unnecessary traffic, driveways, garage doors, utility placement and trash removal. Tree lined streets and shaded sidewalks are encouraged, together with traffic calming methods such as short block lengths (less than 400 feet) and minimal turning radii. Hammerhead dead-ends are favored over cul-de-sacs.

### **Blocks**

The length, width and shape of blocks shall be determined with due regard to provisions for adequate building sites, solar access and orientation, the zoning requirements as to lot area and dimensions, limitations, and opportunities of topography and associated needs for convenient access, traffic circulation, control and safety to streets and pedestrian traffic. Blocks should not be more than 1,320 feet in length except as the Commission considers necessary to secure efficient use of the land or as a desired feature of street design. Where fronting on major streets, lengthened blocks may be utilized in order to reduce the number of intersections along the major street or arterial. Where possible, blocks should be wide enough to allow two tiers of lots. Double frontage lots should be avoided in residential subdivisions.

### **Solar Orientation, Passive Heating and Cooling**

It is the intent of this ordinance to encourage development and architecture which responds to the regional climate and to preserve opportunities for solar access in the layout and design of subdivisions and structures; to promote the utilization of solar energy and other renewable energy resources in all new and existing residential, recreational, commercial and industrial buildings.

Subdivision development should feature building designs which provide for passive and/or natural heating and cooling opportunities to the extent feasible, including establishing the long axis of building footprints within 15-45 degrees of a line running from east to west; establishment of roof overhangs which are sufficient to block the high summer sun, but not the low winter sun from penetrating south facing windows.

### **Public Open Areas**

Consideration should be given to the requirements for public land and open spaces as specified in the City of Cottonwood General Plan, Yavapai County Trails Plan, and Recreation Park & Open Space Standards and Guidelines published by the National Recreation and Park Association (1979). The Planning and Zoning Commission may require certain lands to be dedicated or reserved for public purposes in conformance with these documents as specified in these regulations.

### **Aesthetic Considerations**

The subdivider shall address General Plan objectives in the design and layout of the subdivision which pertain to preserving natural features such as wash corridors, mature vegetation, geology, ridges, and other land forms (see also Appendix regarding Neighborhood Design Principles). Lots and buildings shall be oriented to take advantage of solar access, as well as any views or natural vistas. In all subdivisions, it is urged that due regard be demonstrated for all natural features such as trees, slopes, required watercourses, historical and archeological sites and similar community assets which, if preserved, will add attractiveness and value to the property and community.

### **Special Design Standards for Hillside Subdivisions**

Subdivisions with significant slope areas should be considered as Planned Area Developments. Allowances should be made for the reasonable and beneficial use and development of private property within certain "hillside" areas while promoting the public health, safety, convenience and general welfare of the Citizens of the City of Cottonwood. Efforts should be made to help maintain the character, identity, and image of hillside areas (i.e., ridgelines, etc.) which are seen as valuable scenic resources. Specific standards should be applied to any sloped area within a subdivision which features a grade of 20% or greater (or any horizontal run of 100 feet which increases in elevation by 20 feet or greater). In those areas, street grades should not exceed twelve (12) percent. Street grades of twelve (12) percent should have a maximum length of six hundred (600) feet. "T" type turning and backing areas should be substituted for circular turnarounds. "Panhandle," double frontage, and other unorthodox lots may be permitted so long as it can be adequately demonstrated that no such lot will adversely affect any other lot.