

When recorded, return to:
Paradise Valley Town Attorney
6041 E. Lincoln Drive
Paradise Valley, AZ 85253

ORDINANCE NUMBER 2019-05

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY,
ARIZONA; AMENDING CHAPTER 6, SUBDIVISIONS, OF THE
TOWN OF PARADISE VALLEY TOWN CODE**

WHEREAS, A.R.S. §9-240(28)(a) establishes the authority to make, amend, or repeal all ordinances necessary or proper for the carrying into effect of the powers vested in the corporation, or any department or officer thereof, and Article 2-6 of the Town Code establishes procedures for the adoption of ordinances by the Town Council and

WHEREAS, the Town Council desires to make some technical corrections to Chapter 6, Article 6-1 and Article 6-10, the Town Code, providing for new or revised definitions for lot line adjustments, lot splits, exempt lot splits, and replats, and procedures and limitations, including application requirements, relating to lot line adjustments, lot splits, exempt lot splits, and replats to provide consistency and clarity for such ; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:

Section 1. Chapter 6, Subdivisions, the Table of Contents, is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold**):

Article 6-1 DEFINITIONS

**Article 6-2 PROCEDURE FOR THE PREPARATION AND FILING OF
PLATS**

- 6-2-1 Pre-Application Conference
- 6-2-2 Preliminary Plat
- 6-2-3 Final Plat

Article 6-3 STANDARDS OF DESIGN

- 6-3-1 Relation to Adjoining Street Systems
- 6-3-2 Right-of-way, Street and Alley Width, Cul-de-Sac, Half
Street, Alley
- 6-3-3 Easements
- 6-3-4 Blocks
- 6-3-5 Lots
- 6-3-6 Building Lines
- 6-3-7 Public Reservations

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- 6-3-8 Easement Along Streams
- 6-3-9 Building in Designated Flood Plain Areas
- 6-3-10 Character of Development
- 6-3-11 Subdivision Identification Signs
- 6-3-12 Subdivision Walls or Fences

**Article 6-4 ASSURANCES, WARRANTY, MINIMUM IMPROVEMENTS
REQUIRED**

- 6-4-1 Assurances
- 6-4-2 Warranty
- 6-4-3 Minimum Improvements Required

Article 6-5 INFORMATION REQUIRED ON THE PRELIMINARY PLAT

Article 6-6 INFORMATION REQUIRED ON THE FINAL PLAT

Article 6-7 HILLSIDE DEVELOPMENT REGULATIONS

Article 6-8 VARIANCES AND MODIFICATIONS

Article 6-9 LOT SPLITS NON-ADMINISTRATIVE LAND MODIFICATION

- 6-9-1 Fees
- 6-9-2 Final Plats
- 6-9-3 Standards of Design
- 6-9-4 Minimum Improvements Required
- 6-9-5 Information Required on Final Plats
- 6-9-6 Hillside Development Areas
- 6-9-7 Lot Split Procedures

Article 6-10 ADMINISTRATIVE LAND MODIFICATION

- 6-10-1 Fees**
- 6-10-2 Administrative Plat Maps Required**
- 6-10-3 Standards of Design**
- 6-10-4 Minimum Improvements Required**
- 6-10-5 Information Required on Final Plats**
- 6-10-6 Hillside Development Areas**
- 6-10-7 Procedures**

1 **Section 2.** Chapter 6, Subdivisions, Article 6-1 DEFINITIONS, is hereby amended
2 (with deletions shown as ~~striketroughs~~ and additions shown in **bold**):

3
4 **Article 6-1 DEFINITIONS**

5
6 In this chapter unless the context requires otherwise, the following terms contained in this
7 chapter shall mean:

8
9 **Administrative Land Modification – A Lot Line Adjustment, Lot Split (Exempt),
10 and/or Easement Modification on non-Special Use Permit zoned property made
11 pursuant to Article 6-10 of the Town Code, without modifications pursuant to Article
12 6-8.**

13
14 **Administrative Plat Map - A document prepared in accordance with the procedures
15 specified in Article 6-10 used to evidence the changes specified in an approved
16 Administrative Land Modification and that contains the information required for the
17 filing of a final plat pursuant to the requirements of Article 6-6.**

18
19 Alley - A passage or way open to public travel, affording generally a secondary means of
20 vehicular access to abutting lots or upon which service entrances of buildings abut, and not
21 intended for general traffic circulation.

22
23 Building line - A line between which line and street line no building or structure, or portion
24 thereof, may be erected, constructed or established.

25
26 Commission - The Planning and Zoning Commission of the Town of Paradise Valley.

27
28 Cul-de-sac (as distinguished from an unplanned dead-end street) - A short minor street
29 having but one end open for motor traffic, the other being permanently terminated by a
30 vehicular turn-around.

31
32 Cut - The land surface, which is shaped through the removal of soil, rock, or other
33 materials.

34
35 Double frontage - A lot which extends from one street to another or proposed street.

36
37 Easement - A grant by a property owner of the use of a strip of land for a specific purpose
38 or purposes, by the general public, a corporation, or a certain person or persons.

39
40 **Easement Modification – The act of modifying, relocating, and/or dedicating an
41 easement (including, but not limited to drainage easements, sewer easements, and
42 public utility easements). An Easement Modification does not include the
43 abandonment or release of Easement.**

44
45 Fill - The deposit of soil, rock or other materials placed by man.

46
47 Hillside Development Area - Those areas marked in **FIGURE 2** of Article XXII Hillside
48 Development Regulations of the Town of Paradise Valley Zoning Ordinance and to all

1 lands where the natural terrain under the building pad has a slope of ten percent (10%) or
2 greater, whether shown in **FIGURE 2** or not. However, a 10% or greater slope, in an area
3 not denoted on **FIGURE 2**, created by a natural wash on land that otherwise would not be
4 classified as hillside land shall be exempt from the hillside regulations.

5
6 Lot - A parcel of land occupied or intended for occupancy by one main building, together
7 with any accessory buildings including the open spaces required of the Hillside
8 Regulations and having adequate frontage on a public or private street.

9
10 Lot, double frontage - A lot which extends from one street to another street, existing or
11 proposed.

12
13 **Lot Line Adjustment** – A procedure that may be used as a method for making minor
14 revisions to property lines between two or more existing parcels such that the total
15 number of lots or parcels remain the same or are less. This procedure also includes
16 the combining of two existing lots or a parcel assemblage, being a combination of
17 land within the Town which results in the assemblage of improved or unimproved
18 land, whether immediate or future, into a single property. A Lot Line Adjustment
19 is not a procedure for dividing property and shall not create any additional lots,
20 tracts, or parcels.

21
22 **Lot sSplit** – ~~The division of property into two or three tracts or parcels of less than five (5)~~
23 ~~acres.~~ **The division of improved or unimproved land whose area is two and one-half**
24 **(2.5) net acres or less into two or three tracts or parcels of land and shall meet the**
25 **minimum size, setback, and other requirements of the underlying zoning district for**
26 **the property at issue as specified in the Zoning Ordinance and official zoning map for**
27 **the property.**

28
29 **Lot Split (Exempt)** – The division of improved or unimproved land whose area is
30 greater than two and one-half (2.5) net acres into two or three tracts or parcels of
31 land, provided that no new street is involved. The Lot Split (Exempt) shall meet the
32 minimum size, setback, and other requirements of the underlying zoning district for
33 the property at issue as specified in the Zoning Ordinance and official zoning map for
34 the property.

35
36 Master plan - A comprehensive plan or parts thereof adopted by the Council indicating the
37 general locations recommended for streets and highways, parks, playgrounds, schools,
38 public building sites and other physical improvements.

39
40 **Non-Administrative Land Modification** – Any Lot Line Adjustment, Lot Split, Lot
41 Split (Exempt) and/or Easement modification that is not an Administrative Land
42 Modification. Non-Administrative Land Modifications shall be made and approved
43 pursuant to Chapter 6 of the Town Code.

44
45 Plat, final - A plat conforming to the requirements of Article 6-6 and which must be
46 approved by the Council before it can be filed for record with the recorder of deeds.

47
48 Plat, preliminary - The preliminary plat of the layout of the proposed subdivision.

1
2 **Replat** – Amendment of an existing plat of record; including the act of modifying or
3 reconfiguring existing lots, parcels, and easements of record, or relocation of thereof.
4

5 Street - A road, highway, drive, lane, avenue, boulevard, easement for access, right of way,
6 parking or any other way, whether public or private, which affords the principal means of
7 access to abutting property.
8

9 Subdivider - The individual, firm, corporation, partnership, association, syndication, trust
10 or other legal entity that files an application and initiates proceedings for the subdivision of
11 land in accordance with the provisions of this chapter; and said subdivider need not be the
12 person or persons holding title by deed to land, or holding title as vendees under land
13 contract or holding any other title of record.
14

15 Subdivision - Improved or unimproved land or lands divided into four or more lots, tracts
16 or parcels of land, or, if a new street is involved, any such property which is divided into
17 two or more lots, tracts or parcels of land, or, any such property, the boundaries of which
18 have been fixed by a recorded plat, which is divided into more than two parts; provided
19 that the sale or exchange of parcels of land to or between adjoining property owners where
20 such sale or exchange does not create additional lots shall not be deemed a subdivision.
21 The partitioning of land in accordance with state statutes regulating the partitioning of land
22 held in common ownership shall not be deemed a subdivision.
23

24 **Section 2.** Chapter 6, Subdivisions, Article 6-9, LOT SPLITS is hereby amended (with
25 deletions shown as ~~strike throughs~~ and additions shown in **bold**):
26

27 **Article 6-9** **LOT SPLITS NON-ADMINISTRATIVE LAND MODIFICATION**
28

- 29 6-9-1 Fees
 - 30 6-9-2 Final Plats
 - 31 6-9-3 Standards of Design
 - 32 6-9-4 Minimum Improvements Required
 - 33 6-9-5 Information Required on Final Plats
 - 34 6-9-6 Hillside Development Areas
 - 35 6-9-7 ~~Lot Split~~ Procedures
- 36
37

38 Section 6-9-1 Fees
39

40 ~~Lot split~~ Application fees ~~per lot~~ shall be in accordance with the Paradise Valley Fee
41 Schedule and shall be paid upon filing of the ~~lot split~~ **applicable** application.
42

43 Section 6-9-2 Final Plats
44

45 A final plat and two paper prints shall be submitted with ~~the lot split~~ a **Non-**
46 **Administrative Land Modification** application.
47
48

1 Section 6-9-3 Standards of Design

2
3 The standards of design set forth in Article 6-3 shall apply to ~~lot splits~~ a **Non-Administrative Land Modification**, except that identification signs as provided in Section
4 6-3-11 shall not be allowed. Section 6-3-10 shall not apply to ~~lot splits~~ **Non-Administrative Land Modifications**. No ~~lot split~~ **Non-Administrative Land**
5 **Modification** which creates a substandard or non-conforming lot or structure shall be
6 approved except by Council action.
7
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10
11 Section 6-9-4 Minimum Improvements Required

12
13 The minimum improvements and bonding procedures set forth in Article 6-4 shall apply to
14 ~~lot splits~~ a **Non-Administrative Land Modification**, except that street improvements may
15 be waived if the existing streets adjacent to the ~~lot split~~ **Non-Administrative Land**
16 **Modification** are comparable to the streets on adjacent properties.
17
18

19 Section 6-9-5 Information Required on Final Plats

20
21 **Where applicable**, ~~the~~ information required on final plats as specified in Article 6-6 shall
22 apply to ~~lot splits~~ **Non-Administrative Land Modifications**.
23
24

25 Section 6-9-6 Hillside Development Area

26
27 The provisions of Article 6-7 shall apply to ~~lot splits~~ a **Non-Administrative Land**
28 **Modification**.
29
30

31 Section 6-9-7 Procedures

- 32
33 **A. A Non-Administrative Land Modification is only allowed for an existing lot,**
34 **parcel, tract of land or combination thereof identified in the official records**
35 **of the Town and the Maricopa County Recorder, Arizona, at the time of the**
36 **filing of the application.**
37
38 **B. A Non-Administrative Land Modification shall follow the final plat/map**
39 **process in accordance with Section 6-2 of the Town Code. A Non-**
40 **Administrative Land Modification shall be subject to Town Council review**
41 **and approval with the exception of Lot Splits approved pursuant to Section 6-**
42 **9-7.**
43
44 **C. A Lot Split application on non-Special Use Permit zoned property shall be**
45 **reviewed by Town staff for compliance with the Town Code and Zoning**
46 **Ordinance, and any other applicable requirements.** After review by the **Town**
47 **staff, the Lot Split application shall be submitted to the Planning and Zoning**
48 **Commission, and if approved by a unanimous vote of the Planning Commission,**

1 then the ~~L~~ot Ssplit shall be deemed approved. If the ~~L~~ot Ssplit application is not
2 approved by a unanimous vote of the Planning Commission, **including a vote to**
3 **deny**, then the ~~L~~ot Ssplit application shall be ~~forwarded~~ **subject to the Town**
4 **Council for review and final approval.**

5
6 **D. A Non-Administrative Lot Modification application (e.g. Lot Split, Lot Split**
7 **(Exempt), Lot Line Adjustment, Easement Modification) on property with**
8 **Special Use Permit zoning shall follow the final plat/map process in accordance**
9 **with Section 6-2 of the Town Code and the applicable Special Use Permit**
10 **provisions and are subject to Town Council review and approval.**

11
12 **E. Applicants for a Non-Administrative Lot Modification application must first**
13 **submit a pre-application for staff review in accordance with Section 2-5-2(E)**
14 **of the Town Code. Deficiencies in the application that are identified by the**
15 **Town staff during the pre-application process will be brought to the**
16 **applicant's attention. Pre-application is a required and informal review where**
17 **major issues will be identified.**

18
19 **F. Upon the filing of a Non-Administrative Lot Modification application, the**
20 **Town staff shall review the application for completeness and compliance with**
21 **applicable Town Codes, including Zoning Ordinance and any Special Use**
22 **Permit provisions.**

23
24 **G. Requests for Non-Administrative Lot Modifications shall meet the minimum**
25 **size, setback, and other requirements of the underlying zoning district for the**
26 **property at issue as specified in the Zoning Ordinance, official zoning map,**
27 **and/or the Special Use Permit (if applicable) for the property, as well as the**
28 **lot arrangement and configuration requirements specified in Section 6-3-5.**

29
30 **H. After a Non-Administrative Lot application is approved by the Planning**
31 **Commission and/or Town Council, if appropriate, it may thereafter be**
32 **recorded with the Maricopa County Recorder, Arizona.**

33
34 **Section 4.** Chapter 6, Subdivisions, is hereby amended by adding a new Article 6-10
35 (with deletions shown as ~~strike throughs~~ and additions shown in **bold**):

36
37 **Article 6-10 ADMINISTRATIVE LAND MODIFICATION**

- 38
39 **6-10-1 Fees**
40 **6-10-2 Administrative Plat Maps Required**
41 **6-10-3 Standards of Design**
42 **6-10-4 Minimum Improvements Required**
43 **6-10-5 Information Required on Final Plats**
44 **6-10-6 Hillside Development Areas**
45 **6-10-7 Administrative Land Modification Procedures**
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1 **Section 6-10-1 Fees**

2
3 **Application fees shall be in accordance with the Paradise Valley Master Fee Schedule**
4 **and shall be paid upon filing of the applicable application.**

5
6 **Section 6-10-2 Administrative Plat Maps Required**

7
8 **An Administrative Plat Map and two paper prints shall be submitted with an**
9 **Administrative Land Modification application.**

10
11
12 **Section 6-10-3 Standards of Design**

13
14 **With the exception of Section 6-3-10 and Section 6-3-11, the standards of design set**
15 **forth in Article 6-3 shall apply to Administrative Land Modifications.**

16
17 **Section 6-10-4 Minimum Improvements Required**

18
19 **The minimum improvements and bonding procedures set forth in Article 6-4 shall**
20 **apply to an Administrative Land Modification, except that compliance with street or**
21 **other required minimum improvements may be waived by the concurrence of the**
22 **Town Engineer and Community Development Director if the existing streets or other**
23 **minimum improvements servicing the property for which the Administrative Land**
24 **Modification has been requested are deemed to be adequate at the time of application.**

25
26 **Section 6-10-5 Information Required on Administrative Plat Maps**

27
28 **Where applicable, the information required on Final Plats as specified in Article 6-6**
29 **shall apply to an Administrative Land Modification.**

30
31 **Section 6-10-6 Hillside Development Area**

32
33 **The provisions of Article 6-7 shall apply to an Administrative Land Modification.**

34
35 **Section 6-10-7 Procedures**

- 36
37 **A. An Administrative Land Modification is only allowed for an existing lot,**
38 **parcel, tract of land or combination thereof identified in the official**
39 **records of the Town and the Maricopa County Recorder, Arizona, at the**
40 **time of the filing of the Administrative Land Modification application.**
- 41
42 **B. An Administrative Land Modification may be approved by Town staff in**
43 **accordance with this Section.**
- 44
45 **C. Applicants for an Administrative Land Modification must first complete a**
46 **pre-application review process in accordance with Section 2-5-2(E) of the**
47 **Town Code. Deficiencies in the application that are identified by the Town**
48 **staff during the pre-application process will be brought to the applicant's**

1 attention. The pre-application phase is a required and informal review where
2 major issues will be identified.
3

4 **D. Upon the filing of an Administrative Land Modification application, the Town**
5 **staff shall review the application for completeness and compliance with**
6 **applicable Town Codes, including the Zoning Ordinance.**
7

8 **E. Request for an Easement Modification made in an Administrative Land**
9 **Modification application shall comply with all Town Code requirements,**
10 **including relevant development and design standards. Documentation such**
11 **as, but not limited to, a drainage report, drainage study, drainage easement**
12 **maintenance agreement, and/or written correspondence from affected utility**
13 **companies may be required in conjunction with a request for an Easement**
14 **Modification. Easement Modifications do not include the abandonment or**
15 **release of easement.**
16

17 **F. Requests for a Lot Line Adjustment and/or a Lot Split (Exempt) made in an**
18 **Administrative Land Modification application must meet the minimum size,**
19 **setback, and other requirements of the underlying zoning district for the**
20 **property at issue as specified in the Zoning Ordinance and official zoning**
21 **map for the property, as well as the lot arrangement and configuration**
22 **requirements specified in Section 6-3-5.**
23

24 **G. If an application for an Administrative Land Modification does not meet the**
25 **standards of design per Article 6-3 and other Town Code requirements for an**
26 **Administrative Land Modification, staff shall reject the application and**
27 **advise the applicant to instead submit an application for a Non-**
28 **Administrative Land Modification, such as for a Lot Split, Lot Split (Exempt),**
29 **Lot Line Adjustment, Subdivision Plat or Replat, which shall then be**
30 **processed pursuant to Article 6-2, Article 6-8, and/or Article 6-9 of the Town**
31 **Code, as applicable.**
32

33 **H. If, after a final review, the Town staff determines that the application is in full**
34 **compliance with this Article and all other Town Codes, the application may**
35 **be approved administratively and, if appropriate, thereafter recorded with**
36 **the Maricopa County Recorder, Arizona.**
37

38 **Section 5.** Pursuit to Section 1-9-2 of the Town Code, any person found guilty of
39 violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and
40 upon conviction thereof shall be punished by a fine not to exceed \$2,500, or
41 imprisonment not to exceed six months, or by both such fine and imprisonment. Each
42 day that a violation continues shall be a separate offense punishable as described.
43 Pursuant to Section 1-9-3 of the Town Code, a violation of the provisions of this Code or
44 amendments thereto may also constitute a civil offense, and any person who is served
45 with a citation charging such violation and who admits or is found responsible for such
46 offense shall be liable to pay to the Town a civil sanction in an amount not to exceed
47 seven hundred fifty dollars (\$750). Each day that a violation continues shall be a separate
48 offense punishable as described.

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Section 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 7. This Ordinance shall become effective in 30 days.

Section 8. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the TOWN OF PARASDISE VALLEY, Arizona, this ____ day of June 2019.

Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED THIS ____ DAY OF JUNE 2019

ATTEST:

APPROVED AS TO FORM:

Duncan Miller, Town Clerk

Andrew Miller, Town Attorney