

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 ~~strikes throughs~~ 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

- 1 6-3-8 Easement Along Streams
- 2 6-3-9 Building in Designated Flood Plain Areas
- 3 6-3-10 Character of Development
- 4 6-3-11 Subdivision Identification Signs
- 5 6-3-12 Subdivision Walls or Fences
- 6

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

- 9
- 10 6-4-1 Assurances
 - 11 6-4-2 Warranty
 - 12 6-4-3 Minimum Improvements Required
 - 13

14 **Article 6-5 INFORMATION REQUIRED ON THE PRELIMINARY PLAT**

15

16 **Article 6-6 INFORMATION REQUIRED ON THE FINAL PLAT**

17

18 **Article 6-7 HILLSIDE DEVELOPMENT REGULATIONS**

19

20 **Article 6-8 VARIANCES AND MODIFICATIONS**

21

22 **Article 6-9 LOT SPLITS**

- 23
- 24 6-9-1 Fees
 - 25 6-9-2 Final Plats
 - 26 6-9-3 Standards of Design
 - 27 6-9-4 Minimum Improvements Required
 - 28 6-9-5 Information Required on Final Plats
 - 29 6-9-6 Hillside Development Areas
 - 30 6-9-7 Lot Split Procedures
 - 31

32 **Article 6-10 ADMINISTRATIVE LAND MODIFICATION**

- 33
- 34 **6-10-1 Fees**
 - 35 **6-10-2 Administrative Plat Maps**
 - 36 **6-10-3 Standards of Design**
 - 37 **6-10-4 Minimum Improvements Required**
 - 38 **6-10-5 Information Required on Final Plats**
 - 39 **6-10-6 Hillside Development Areas**
 - 40 **6-10-7 Procedures**
 - 41
 - 42
 - 43
 - 44
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 - 46
 - 47

1 **Section 2.** Chapter 6, Subdivisions, Article 6-1 DEFINITIONS, is hereby amended
2 (with deletions shown as ~~striethroughs~~ 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, Exempt Lot Split,**
10 **and/or Easement Modification made pursuant to Article 6-10 of the Town Code.**

11
12 **Administrative Plat Map - A document prepared in accordance with the procedures**
13 **specified in Article 6-10 used to evidence the changes specified in an approved**
14 **Administrative Land Modification and that contains the information required for the**
15 **filing of a final plat pursuant to the requirements of Article 6-6.**

16
17 Alley - A passage or way open to public travel, affording generally a secondary means of
18 vehicular access to abutting lots or upon which service entrances of buildings abut, and not
19 intended for general traffic circulation.

20
21 Building line - A line between which line and street line no building or structure, or portion
22 thereof, may be erected, constructed or established.

23
24 Commission - The Planning and Zoning Commission of the Town of Paradise Valley.

25
26 Cul-de-sac (as distinguished from an unplanned dead-end street) - A short minor street
27 having but one end open for motor traffic, the other being permanently terminated by a
28 vehicular turn-around.

29
30 Cut - The land surface, which is shaped through the removal of soil, rock, or other
31 materials.

32
33 Double frontage - A lot which extends from one street to another or proposed street.

34
35 Easement - A grant by a property owner of the use of a strip of land for a specific purpose
36 or purposes, by the general public, a corporation, or a certain person or persons.

37
38 **Easement Modification – The act of modifying, relocating, and/or dedicating an**
39 **easement (including, but not limited to drainage easements, sewer easements, and**
40 **public utility easements).**

41
42 Fill - The deposit of soil, rock or other materials placed by man.

43
44 Hillside Development Area - Those areas marked in **FIGURE 2** of Article XXII Hillside
45 Development Regulations of the Town of Paradise Valley Zoning Ordinance and to all
46 lands where the natural terrain under the building pad has a slope of ten percent (10%) or
47 greater, whether shown in **FIGURE 2** or not. However, a 10% or greater slope, in an area

not denoted on **FIGURE 2**, created by a natural wash on land that otherwise would not be classified as hillside land shall be exempt from the hillside regulations.

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

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

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

Lot sSplit – ~~The division of property into two or three tracts or parcels of less than five (5) acres.~~ **The division of improved or unimproved land whose area is two and one-half (2.5) net acres or less into two or three tracts or parcels of land for the purpose of sale or lease.**

Lot Split, Exempt – The division of improved or unimproved land whose area is greater than two and one-half (2.5) net acres into two or three tracts or parcels of land for the purpose of sale or lease, provided that no new street is involved.

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

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

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

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

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

Subdivider - The individual, firm, corporation, partnership, association, syndication, trust or other legal entity that files an application and initiates proceedings for the subdivision of land in accordance with the provisions of this chapter; and said subdivider need not be the

person or persons holding title by deed to land, or holding title as vendees under land contract or holding any other title of record.

Subdivision - Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four or more lots, tracts or parcels of land, or, 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; provided that the sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots shall not be deemed a subdivision. The partitioning of land in accordance with state statutes regulating the partitioning of land held in common ownership shall not be deemed a subdivision.⁸⁶

Section 3. Chapter 6, Subdivisions, is hereby amended by adding a new Article 6-10 (with deletions shown as ~~striketroughs~~ and additions shown in **bold**):

Article 6-10 ADMINISTRATIVE LAND MODIFICATION

6-10-1	Fees
6-10-2	Administrative Plat Maps
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

Section 6-10-1 Fees

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

Section 6-10-2 Administrative Plat Maps Required

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

Section 6-10-3 Standards of Design

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

Section 6-10-4 Minimum Improvements Required

The minimum improvements and bonding procedures set forth in Article 6-4 shall apply to an Administrative Land Modification, except that street or other minimum improvements may be waived by the concurrence of the Town Engineer and Community Development Director if the existing streets or other minimum

1 improvements servicing the property for which the Administrative Land Modification
2 has been requested are deemed to be adequate at the time of application.
3
4

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

7 Where applicable, the information required on Final Plats as specified in Article 6-6
8 shall apply to Administrative Land Modifications.
9

10 **Section 6-10-6 Hillside Development Area**
11

12 The provisions of Article 6-7 shall apply to Administrative Land Modifications.
13

14 **Section 6-10-7 Administrative Land Modification Procedures**
15

- 16 A. An Administrative Land Modification approval may only be requested for an
17 existing lot, parcel, tract of land or combination thereof previously identified in
18 the official records of the Town and the Maricopa County Recorder, Arizona,
19 at the time of the filing of the Administrative Land Modification application.
20
- 21 B. Applicants for an Administrative Land Modification must first complete a pre-
22 application review process in accordance with Section 2-5-2(E) of the Town
23 Code. Deficiencies in the application that are identified by the Town staff
24 during the pre-application process will be brought to the applicant's attention.
25
- 26 C. Upon the filing of an Administrative Land Modification application, the Town
27 staff shall review the application for completeness and compliance with
28 applicable Town Codes. If, after a final review, the Town staff determines that
29 the application is in full compliance with this Article, the application may be
30 approved administratively and, if appropriate, thereafter recorded with the
31 Maricopa County Recorder, Arizona.
32
- 33 D. Easement Modification requests shall comply with all Town Code requirements,
34 including relevant development and design standards. Documentation such as,
35 but not limited to, a drainage report, drainage study, drainage easement
36 maintenance agreement, and/or written correspondence from affected utility
37 companies may be required in conjunction with a request for an Easement
38 Modification. Easement Modifications exclude the abandonment or release of
39 easement.
40
- 41 E. Requests for Lot Line Adjustments made in an Administrative Land
42 Modification application shall meet the minimum size, setback, and other
43 requirements of the underlying zoning district for the property at issue as
44 specified in the zoning ordinance and official zoning map for the property, as
45 well as the lot arrangement and configuration requirements specified in
46 Section 6-3-5.
47

1 **F. If an application for an Administrative Land Modification does not meet the**
2 **standards for an Administrative Land Modification, staff may reject the**
3 **application and advise the applicant to instead file for a Lot Split or Subdivision**
4 **application, which shall then be processed pursuant to Article 6-2, Article 6-5,**
5 **Article 6-6, and/or Article 6-9 of the Town Code, as applicable.**
6

7 **Section 4.** Pursuit to Section 1-9-2 of the Town Code, any person found guilty of
8 violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and
9 upon conviction thereof shall be punished by a fine not to exceed \$2,500, or
10 imprisonment not to exceed six months, or by both such fine and imprisonment. Each
11 day that a violation continues shall be a separate offense punishable as described.
12 Pursuant to Section 1-9-3 of the Town Code, a violation of the provisions of this Code or
13 amendments thereto may also constitute a civil offense, and any person who is served
14 with a citation charging such violation and who admits or is found responsible for such
15 offense shall be liable to pay to the Town a civil sanction in an amount not to exceed
16 seven hundred fifty dollars (\$750). Each day that a violation continues shall be a separate
17 offense punishable as described.
18

19 **Section 5.** If any section, subsection, sentence, clause, phrase, or portion of this
20 Ordinance is for any reason held to be invalid or unconstitutional by the decision of any
21 court of competent jurisdiction, such decision shall not affect the validity of the remaining
22 portions thereof.
23

24 **Section 6.** This Ordinance shall become effective in 30 days.
25

26 **Section 7.** In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the
27 Town Council has considered the individual property rights and personal liberties of the
28 residents of the Town before adopting this ordinance.
29

30
31 PASSED AND ADOPTED by the Mayor and Council of the TOWN OF PARADISE
32 VALLEY, Arizona, this 9th day of May 2019.
33

34
35
36
37 _____
38 Jerry Bien-Willner, Mayor
39

40 SIGNED AND ATTESTED THIS _____ DAY OF MAY 2019

41
42 ATTEST:

43 APPROVED AS TO FORM:
44
45

46 _____
47 Duncan Miller, Town Clerk

Andrew Miller, Town Attorney