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

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ORDINANCE NUMBER 2019-05

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

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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

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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

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

272829

<u>Section 1.</u> Chapter 6, Subdivisions, the Table of Contents, is hereby amended (with deletions shown as <u>strikethroughs</u> and additions shown in **bold**):

303132

Article 6-1 <u>DEFINITIONS</u>

33 34

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

35 36 37

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

39 40

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Article 6-3 <u>STANDARDS OF DESIGN</u>

- 6-3-1 Relation to Adjoining Street Systems 42 Right-of-way, Street and Alley Width, Cul-de-Sac, Half 6-3-2 43 Street, Alley 44 Easements 6-3-3 45 6-3-4 **Blocks** 46 6-3-5 Lots 47
- 48 6-3-6 Building Lines 49 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		
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4		ϵ		
5		6-3-12 Subdivision Walls or Fences		
6				
7	Article 6-4	ASSURANCES, WARRANTY, MINIMUM IMPROVEMENTS		
	THE HEIC U-4			
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		
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		WIEGDLA MYON DEGLINDED ON MYE EINIA DY AM		
16	Article 6-6	INFORMATION REQUIRED ON THE FINAL PLAT		
17				
18	Article 6-7	HILLSIDE DEVELOPMENT REGULATIONS		
	THE CICLO 7	THE BOLDE DE VEROTIVIEN TREGERITIONS		
19		***		
20	Article 6-8	VARIANCES AND MODIFICATIONS		
21				
22	Article 6-9	NON-ADMINISTRATIVE LAND MODIFICATION LOT SPLITS		
23	THE CICLO	THE THE THE TENT OF THE TENT O		
24		6-9-1 Fees		
25		6-9-2 Final Plats		
26		6-9-3 Standards of Design		
27				
28		6-9-5 Information Required on Final Plats		
29		6-9-6 Hillside Development Areas		
30		6-9-7 Lot Split Procedures		
		bot spire Procedures		
31				
32				
33	Article 6-10	ADMINISTRATIVE LAND MODIFICATION		
34				
35		6-10-1 Fees		
i				
36		6-10-2 Administrative Plat Maps Required		
37		6-10-3 Standards of Design		
38		6-10-4 Minimum Improvements Required		
39		6-10-5 Information Required on Final Plats		
		<u>-</u>		
40		6-10-6 Hillside Development Areas		
41		6-10-7 Procedures		
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Chapter 6, Subdivisions, Article 6-1 DEFINITIONS, is hereby amended 1 Section 2. (with deletions shown as strikethroughs and additions shown in **bold**): 2 3 **Article 6-1 DEFINITIONS** 4 5 In this chapter unless the context requires otherwise, the following terms contained in this 6 chapter shall mean: 7 Administrative Land Modification – A Lot Line Adjustment, Exempt Lot Split (Exempt), and/or Easement Modification on non-Special Use Permit zoned property 10 made pursuant to Article 6-10 of the Town Code, without modifications pursuant to 11 Article 6-8. 12 13 Administrative Plat Map - A document prepared in accordance with the procedures 14 specified in Article 6-10 used to evidence the changes specified in an approved 15 Administrative Land Modification and that contains the information required for the 16 filing of a final plat pursuant to the requirements of Article 6-6. 17 18 Alley - A passage or way open to public travel, affording generally a secondary means of 19 vehicular access to abutting lots or upon which service entrances of buildings abut, and not 20 intended for general traffic circulation. 21 22 Building line - A line between which line and street line no building or structure, or portion 23 24 thereof, may be erected, constructed or established. 25 <u>Commission</u> - The Planning and Zoning Commission of the Town of Paradise Valley. 26 27 28 Cul-de-sac (as distinguished from an unplanned dead-end street) - A short minor street having but one end open for motor traffic, the other being permanently terminated by a 29 30 vehicular turn-around. 31 Cut - The land surface, which is shaped through the removal of soil, rock, or other 32 materials. 33 34 Double frontage - A lot which extends from one street to another or proposed street. 35 36 Easement - A grant by a property owner of the use of a strip of land for a specific purpose 37 or purposes, by the general public, a corporation, or a certain person or persons. 38 39 Easement Modification – The act of modifying, relocating, and/or dedicating an 40 easement (including, but not limited to drainage easements, sewer easements, and 41 public utility easements). An Easement Modification does not include the 42 abandonment or release of Easement. 43 44 Fill - The deposit of soil, rock or other materials placed by man. 45 46 Hillside Development Area - Those areas marked in **FIGURE 2** of Article XXII Hillside 47 Development Regulations of the Town of Paradise Valley Zoning Ordinance and to all 48

lands where the natural terrain under the building pad has a slope of ten percent (10%) or 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.

<u>Lot</u> - 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.

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

<u>Lot Line Adjustment</u> – 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 and shall meet the minimum size, setback, and other requirements of the underlying zoning district for the property at issue as specified in the Zoning Ordinance and official zoning map for the property.

 Lot Split₅ (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. The Lot Split (Exempt) shall meet the minimum size, setback, and other requirements of the underlying zoning district for the property at issue as specified in the Zoning Ordinance and official zoning map for the property.

<u>Master plan</u> - 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.

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

<u>Plat, final</u> - 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.

<u>Replat</u> – 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.

<u>Street</u> - 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.

<u>Subdivider</u> - 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.

<u>Subdivision</u> - 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.

<u>Section 2.</u> Chapter 6, Subdivisions, Article 6-9, LOT SPLITS is hereby amended (with deletions shown as strikethroughs and additions shown in **bold**):

Article 6-9 LOT SPLITS NON-ADMINISTRATIVE LAND MODIFICATIONS

32	6-9-1	Fees
33	6-9-2	Final Plats
34	6-9-3	Standards of Design
35	6-9-4	Minimum Improvements Required
36	6-9-5	Information Required on Final Plats
37	6-9-6	Hillside Development Areas
38	6-9-7	Lot Split Procedures

Section 6-9-1 Fees

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

1	Section 6-9-2 Final Plats		
2			
3	A final plat and two paper prints shall be submitted with the lot splita Non-Administrative		
4	Land Modification application.		
5			
6			
7	Section 6-9-3 Standards of Design		
8			
9	The standards of design set forth in Article 6-3 shall apply to lot splits Non-		
10	Administrative Land Modification, except that identification signs as provided in Section		
11	6-3-11 shall not be allowed. Section 6-3-10 shall not apply to Non-Administrative Land		
12	Modificationslot splits. No Non-Administrative Land Modification Lot Split or Lot		
13	Split Exempt which creates a substandard or non-conforming lot or structure shall be		
14	approved except by Council action.		
15			
16			
17	Section 6-9-4 Minimum Improvements Required		
18			
19	The minimum improvements and bonding procedures set forth in Article 6-4 shall apply to		
20	a Non-Administrative Land Modification lot splits, except that street improvements may		
21	be waived if the existing streets adjacent to the Non-Administrative Land Modification		
22	lot split are comparable to the streets on adjacent properties.		
23			
24			
25	Section 6-9-5 Information Required on Final Plats		
26			
27	Where applicable, Tthe information required on final plats as specified in Article 6-6 shall		
28	apply to Non-Administrative Land Modificationslot splits.		
29			
30			
31	Section 6-9-6 Hillside Development Area		
32			
33	The provisions of Article 6-7 shall apply to a Non-Administrative Land Modificationlet		
34	splits.		
35			
36			
37	Section 6-9-7 Lot Split Procedures		
38			
39	A. A Non-Administrative Land Modification is only allowed for an existing lot,		
40	parcel, tract of land or combination thereof identified in the official records		
41	of the Town and the Maricopa County Recorder, Arizona, at the time of the		
42	filing of the application.		
43			
44	B. A Non-Administrative Land Modification application shall follow the final		
45	plat/map process in accordance with Section 6-2 of the Town Code. A Non-		
46	Administrative Land Modification shall be subject to Town Council review		
47	and approval with the exception of Lot Splits approved pursuant to Section 6-		
48	9-7.		

A Lot Split or Lot Split (Exempt) application on property with Special Use Permit zoning shall follow the final plat/map process in accordance with Section 6-2 of the Town Code and the applicable Special Use Permit provisions and are subject to Town Council review and approval.

- C. A Lot Split application on non-Special Use Permit zoned property shall be reviewed by Town staff for compliance with the Town Code and Zoning Ordinance, and any other applicable requirements. After review by the Town staff, the Lłot Ssplit application shall be submitted to the Planning and Zoning Commission, and if approved by a unanimous vote of the Planning Commission, then the Lłot Ssplit shall be deemed approved. If the Lłot Ssplit application is not approved by a unanimous vote of the Planning Commission, including a vote to deny, then the Lłot Ssplit application shall be forwarded subject to the Town Council for review and final approval.
- D. A Non-Administrative Lot Modification application (e.g. Lot Split, Lot Split (Exempt), Lot Line Adjustment, Easement Modification) on property with Special Use Permit zoning shall follow the final plat/map process in accordance with Section 6-2 of the Town Code and the applicable Special Use Permit provisions and are subject to Town Council review and approval.
- A Lot Split or Lot Split (Exempt) on property with Special Use Permit Zoning is only allowed for an existing lot, parcel, tract of land or combination thereof identified in the official records of the Town and the Maricopa County Recorder, Arizona, at the time of the filing of the application.
- A. Applicants for a Lot Split or Lot Split (Exempt)Non-Administrative Lot Modification application on property with Special Use Permit zoning must first submit a pre-application for staff review in accordance with Section 2-5-2(E) of the Town Code. Deficiencies in the application that are identified by the Town staff during the pre-application process will be brought to the applicant's attention. Pre-application is a required and informal review where major issues will be identified.

<u>E.</u>

B. Upon the filing of a Lot Split or Lot Split (Exempt) Non-Administrative Lot Modification applicationon property with Special Use Permit Zoning application, the Town staff shall review the application for completeness and compliance with applicable Town Codes, including Zoning Ordinance and any Special Use Permit provisions.:

F.

G. Requests for Non-Administrative Lot Modifications Lot Splits or Lot Splits (Exempt) on property with Special Use Permit Zoning shall meet the minimum size, setback, and other requirements of the underlying zoning district for the property at issue as specified in the Zoning Ordinance, and

1	official zoning map, and/or the Special Use Permit (if applicable) for the		
2	property, as well as the lot arrangement and configuration requirements		
3	specified in Section 6-3-5.		
4			
5	G.H. After a Non-Administrative Lot application Lot Split application is		
6	approved by the Planning Commission and/or Town Council, if appropriate,		
7	may thereafter be recorded with the Maricopa County Recorder, Arizona.		
8			
9	D. A Lot Line Adjustment application on property with Special Use Permit		
10	zoning shall follow the final plat/map process in accordance with Section 6-2		
11	the Town Code and the applicable Special Use Permit provisions; and are		
12	subject to Town Council review and approval.		
13			
14	E. A Non-Administrative Land Modification is only allowed for an existing lot.		
15	parcel, tract of land or combination thereof identified in the official records		
16	of the Town and the Maricopa County Recorder, Arizona, at the time of the		
17	filing of the application.		
18	E Applicants for a Lat Line Adjustment on property with Special Use Dormit		
19	F. Applicants for a Lot Line Adjustment on property with Special Use Permit zoning must first submit a pre-application for staff review in accordance with		
20	Section 2-5-2(E) of the Town Code. Deficiencies in the application that are		
21 22	identified by the Town staff during the pre-application process will be brough		
23	to the applicant's attention. Pre-application is a required and informal revie		
23 24	where major issues will be identified.		
24 25	where major issues will be identified.		
25 26	— Upon the filing of a Lot Line Adjustment on property with Special Use Permi		
20 27	Zoning application, the Town staff shall review the application for		
28	completeness and compliance with applicable Town Codes, including Zoning		
29	Ordinance and any Special Use Permit provisions.		
30	Ordinance and any opecial osci crimit provisions.		
31	F. Requests for Lot Line Adjustments on property with Special Use Permit		
32	Zoning shall meet the minimum size, setback, and other requirements of the		
33	underlying zoning district for the property at issue as specified in the Special Us		
34	Permit, Zoning Ordinance, and official zoning map for the property, as well as		
35	the lot arrangement and configuration requirements specified in Section 6-3-5.		
36			
37	G. After a Lot Line Adjustment application is approved by the Planning		
38	Commission and/or Town Council, if appropriate, it may thereafter be		
39	recorded with the Maricopa County Recorder, Arizona.		
40			
41			
42	Section 34. Chapter 6, Subdivisions, is hereby amended by adding a new Article 6-10		
43	(with deletions shown as strikethroughs and additions shown in bold):		
44			
45	Article 6-10 ADMINISTRATIVE LAND MODIFICATION		
46			
47	6-10-1 Fees		
48	6-10-2 Administrative Plat Maps Required		

1	6-10-3	Standards of Design
2	6-10-4	Minimum Improvements Required
3	6-10-5	Information Required on Final Plats
4	6-10-6	Hillside Development Areas
5	6-10-7	Procedures Administrative Land Modification Procedures
6 7 8	Section 6-10-1	<u>Fees</u>
9 10	* *	s shall be in accordance with the Paradise Valley Master Fee Schedule d upon filing of the applicable application.
11 12 13	Section 6-10-2	Administrative Plat Maps Required
14 15 16		ive Plat Map and two paper prints shall be submitted with an Land Modification application.
17 18 19	Section 6-10-3	Standards of Design
202122	-	ion of Section 6-3-10 and Section 6-3-11, the standards of design set 6-3 shall apply to Administrative Land Modifications.
23 24	Section 6-10-4	Minimum Improvements Required
25 26 27 28 29 30	apply to an Adr other <u>required</u> Town Engineer minimum impro	mprovements and bonding procedures set forth in Article 6-4 shall ninistrative Land Modification, except that compliance with street or minimum improvements may be waived by the concurrence of the and Community Development Director if the existing streets or other exceptions the property for which the Administrative Land as been requested are deemed to be adequate at the time of application
31 32 33	Section 6-10-5	Information Required on Administrative Plat Maps
34 35 36		ole, the information required on Final Plats as specified in Article 6-6 Administrative Land Modifications.
37 38	Section 6-10-6	Hillside Development Area
39 40	The provisions	of Article 6-7 shall apply to <u>an Administrative Land Modifications.</u>
41 42	Section 6-10-7	Administrative Land Modification Procedures
43 44	parce	ministrative Land Modification is only allowed for an existing lot, tract of land or combination thereof identified in the official
45		ds of the Town and the Maricopa County Recorder, Arizona, at the
16	timo	f the filing of the Administrative I and Modification application

B. An Administrative Land Modification may be approved by Town staff in 1 2 accordance with this Section. 3 C. Applicants for an Administrative Land Modification must first complete a 4 pre-application review process in accordance with Section 2-5-2(E) of the 5 Town Code. Deficiencies in the application that are identified by the Town 6 staff during the pre-application process will be brought to the applicant's 7 attention. The pre-application phase is a required and informal review where 8 major issues will be identified. 9 10 An Administrative Land Modification A Non-Administrative Land 11 Modification shall follow the final plat/map process in accordance with Section 12 6-2 of the Town Code and the Special Use Permit. A Non-Administrative 13 Land Modification shall be subject to Town Council review and approval with 14 the exception of Lot Splits approved pursuant to Section 6-9-7(B). approval 15 may only be requested for an existing lot, parcel, tract of land or combination 16 thereof previously identified in the official records of the Town and the 17 18 Maricopa County Recorder, Arizona, at the time of the filing of the **Administrative Land Modification application.** 19 20 21 22 B. Applicants for an Administrative Land Modification must first complete a pre-23 24 application review process in accordance with Section 2-5-2(E) of the Town 25 Code. Deficiencies in the application that are identified by the Town staff during the pre-application process will be brought to the applicant's attention. 26 27 D. Upon the filing of an Administrative Land Modification application, the Town 28 staff shall review the application for completeness and compliance with 29 applicable Town Codes, including the Zoning Ordinance. 30 31 C. . If, after a final review, the Town staff determines that the application is in 32 full compliance with this Article, the application may be approved 33 administratively and, if appropriate, thereafter recorded with the Maricopa 34 County Recorder, Arizona. 35 36 A.—Request for an Easement Modification requests-made in an Administrative 37 Land Modification application shall comply with all Town Code 38 requirements, including relevant development and design standards. 39 Documentation such as, but not limited to, a drainage report, drainage study, 40 drainage easement maintenance agreement, and/or written correspondence 41 from affected utility companies may be required in conjunction with a request 42 for an Easement Modification. Easement Modifications exclude do not 43 include the abandonment or release of easement. 44

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B. Requests for a Lot Line Adjustment and/or a Lot Split (Exempt)ts made in an Administrative Land Modification application shall must meet the

minimum size, setback, and other requirements of the underlying zoning district for the property at issue as specified in the zoning Zoning ordinance Ordinance and official zoning map for the property, as well as the lot arrangement and configuration requirements specified in Section 6-3-5.

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D. Request for an Lot Split (Exempt) made in an Administrative Land Modification application must meet the minimum size, setback, and other requirements of the underlying zoning district for the property at issue as specified in the zoning ordinance and official zoning map for the property, as well as the lot arrangement and configuration requirements specified in Section 6-3-5.

E.

If an application for an Administrative Land Modification does not meet the standards of design per Article 6-3 and other Town Code requirements for an Administrative Land Modification, staff may shall reject the application and advise the applicant to instead submit an application for a Non-Administrative Land Modification, such as for file or a Lot Split, Lot Split (Exempt), Lot Line Adjustment, or Subdivision application Plat or Replat, which shall then be processed pursuant to Article 6-2, Article 6-2, Article 6-5, Article 6-6, Article 6-8, and/or Article 6-9 of the Town Code, as applicable.

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

Section 54. Pursuit to Section 1-9-2 of the Town Code, any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,500, or imprisonment not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as described. Pursuant to Section 1-9-3 of the Town Code, a violation of the provisions of this Code or amendments thereto may also constitute a civil offense, and any person who is served with a citation charging such violation and who admits or is found responsible for such offense shall be liable to pay to the Town a civil sanction in an amount not to exceed seven hundred fifty dollars (\$750). Each day that a violation continues shall be a separate offense punishable as described.

Section 65. 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.

1					
2	Section 76. This Ordinance shall become eff	fective in 30 days.			
3 4 5 6 7	<u>Section 87</u> . 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.				
8 9 10 11 12	PASSED AND ADOPTED by the Mayor an				
13 14 15 16		Jerry Bien-Willner, Mayor			
17 18 19		Y OF <u>MAY JUNE</u> 2019			
20 21 22 23	ATTEST:	APPROVED AS TO FORM:			
24 25	Duncan Miller, Town Clerk	Andrew Miller, Town Attorney			