

Town of Carefree

Subdivision Ordinance

(ADOPTED JULY 19, 2011)



Ordinance 2011-07 07/19/2011

TOWN OF CAREFREE SUBDIVISION ORDINANCE



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Article I. GENERAL PROVISIONS

SECTION 1.01 SHORT TITLE.

This Ordinance shall be known and cited as the "Subdivision Ordinance of the Town of Carefree."

SECTION 1.02 PURPOSE AND INTENT.

- 1) The purpose of this Ordinance is to provide for the orderly growth and harmonious development of the Town; to ensure 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 secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements; to ensure consideration for adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description; and, to provide logical procedures for the achievement of this purpose.
- 2) In its interpretation and application, the provisions of this Ordinance are intended to provide a common ground of understanding and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land.

SECTION 1.03 DEFINITIONS.

For the purpose of this Ordinance, certain words are hereby defined unless the context otherwise requires:

- 1) Alley: A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.
- 2) Alley Line: The boundary which separates the right-of-way of an alley from the abutting property.
- 3) Area of Jurisdiction: All of the lands within the Town of Carefree.
- 4) Block: A piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads, or parks or a combination thereof.
- 5) Building: A structure having a roof supported by columns or walls for housing, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 6) Building Line: A line between which and the street right-of-way line no building or structure, or portion thereof, shall be erected, constructed, or otherwise established.

- 7) Commission: The Planning and Zoning Commission of the Town of Carefree.
- 8) Comprehensive General Plan: A comprehensive plan, or part thereof, providing for the future growth and improvement of the Town, and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other physical development, which may be referred to as the master plan.
- 9) Conditional Approval: An affirmative action by the Commission or the Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.
- 10) Conservation Easement: A right granted to a governmental body over privately owned land to prohibit development of property, including roads and utilities, and to use the land for permanent public open space.
- 11) Council: The Common Council of the Town of Carefree.
- 12) Department: The Planning and Zoning Department of the Town of Carefree.
- 13) Development Master Plan (DMP): A preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages. A development master plan may be designed by the subdivider or by the Department and shall be subject to Commission and Council approval.
- 14) Director: The Director or the designee of the Planning Department of the Town of Carefree.
- 15) Easement: A grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes and so designated.
- 16) Engineering Plan: Plans, profiles, cross sections, and other required details for the construction of public improvements, prepared by a registered engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the Council.
- 17) Exception: Any parcel of land which is within the boundaries of the subdivision but is not owned by the subdivider.
- 18) Final Approval: Unconditional approval of the final plat by the Council as evidenced by certification on the plat by the Mayor and constitutes authorization to record a plat.
- 19) Hillside District Subdivision: Any subdivision or that portion of a subdivision in a hillside area with slopes of more than ten percent.

- 20) Irrigation Facility: Canals, laterals, ditches, conduits, gates, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation, and maintenance thereof.
- 21) Lot: A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision, or on a record survey map or by metes and bounds, for purposes of sale, lease, or separate use.
- 22) Lot, Corner: A lot which has an interior angle of one hundred thirty-five (135) degrees or less at the intersection of two (2) street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty-five (135) degrees or less.
- 23) Lot, Interior: A lot having but one side abutting on a street.
- 24) Lot, Key: An interior lot, one side of which is contiguous to the rear line of a corner lot.
- 25) Lot Line: Any line bounding a lot.
- 26) Lot, Through: A lot abutting two parallel or approximately parallel streets.
- 27) Lot Width: For rectangular lots, the shortest distance between the side lot lines. If the side lot lines are not parallel, the width of the lot shall be the width as measured at the front setback line. If the lot is a flag lot, the lot shall be measured at the front building setback line (required yard).
- 28) Neighborhood Plan: A plan designed by the Department to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land, correlate street patterns, and achieve the best possible land use relationships.
- 29) Owner: 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.
- 30) Pedestrian Way: A public walk dedicated entirely through a block from street to street or providing access to a school, park, recreation area, or shopping center.
- 31) Plat: A map of a subdivision.
- 32) Plat, Preliminary: A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with Sections 214 to 218 of this Ordinance.

- 33) Plat, Final: A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered civil engineer or a registered land surveyor in accordance with sections 235 to 240, inclusive, of this Ordinance.
- 34) Plat Recorded: A final plat bearing all of the certificates of approval required in Sections 235 to 240, inclusive, of this Ordinance and duly recorded in the Maricopa County Recorder's Office.
- 35) Preliminary Approval: Approval of the preliminary plat by the Council as evidenced in its meeting minutes and which constitutes authorization to proceed with final engineering plans and final plat preparation.
- 36) Private Access Way: Any private street or private way of access to one or more lots, which is owned and maintained by an individual or group of individuals and has been improved in accordance with Town standards and plans approved by the Town Engineer and inspected by the Town Engineer. A private access way is intended to apply where its use is logically consistent with a desire for neighborhood identification and control of access, and where special design concepts may be involved, such as within planned area developments, subplot developments, and hillside areas.
- 37) Public Improvement Standards: A set of regulations setting forth the details, specifications and instructions to be followed in the planning, design, and construction of certain public improvements in the Town, formulated by the Town Engineer, the County Health Department, the County Flood Control Department, and other Town Departments.
- 38) Reverse Frontage: A lot having frontage on two non-intersecting streets. The front of the lot shall be considered facing the interior street.
- 39) Secretary of the Commission: The Planning Director or his designated representative.
- 40) Setback Line: The line from which the minimum required yard (building setback) is measured.
- 41) Street: means any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or other way which is an existing State, County, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or, a street or way in a plat duly filed and recorded in the County Recorder's Office. A street includes the land between the right-of-way lines whether improved or unimproved, and may comprise pavements, shoulders, curbs, gutters, sidewalks, parking areas and lawns.
 - a) Arterial Route: Freeways, expressways and major arterial streets; and interstate, State, or County highways having regional continuity.

- b) Collector Street: Those streets providing the traffic movement within neighborhoods of the Town and between major streets and local streets and for direct access to abutting property.
 - c) Local Street: means those streets providing direct access to residential, commercial, industrial, or other abutting land or for local traffic movements and connects to collector or major streets.
 - (1) Frontage Street: A local street parallel and adjacent to an arterial route that intercepts minor residential streets and controls access to arterial routes.
 - (2) Cul-de-sac Street: A short local street permanently terminated in a vehicular turn-around.
- 42) Street Classification Plan: A plan which provides for the development of a system of major streets and highways, including the location, width, and alignment of existing and proposed thoroughfares.
- 43) Subdivider: An individual, firm, corporation, partnership, association, syndication, trust, or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this Ordinance; the subdivider need not be the owner of the property as defined by this Section.
- 44) Subdivision: The division for lease or sale to the public for separate use, whether immediate or future, of a tract or parcel of land into four or more lots, tracts, or parcels of land, or, if a new street or new private roadway easement is involved, any division of a parcel of land, or the division into more than two parts of any residential lot, the boundaries of which have been fixed by a recorded plat. Subdivision also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four or more units, in which an undivided interest in land is coupled with the right of exclusive occupancy of any unit located thereon, but 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. The following acts shall not be deemed a subdivision within the meaning of this Ordinance and shall, therefore, be exempt from the provisions of this title except as hereinafter provided:
- a) A partitioning or division of land into tracts or parcels of land of five (5) acres or more and not involving a new street or private roadway easement; provided that Planning Director approval shall first be obtained as required in paragraph "d" below.
 - b) The sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots, or lots that do not conform to the Zoning District in which the said lots are located; provided

that Planning Director approval shall first be obtained as required in paragraph "d" below.

- c) A partitioning or division of land in accordance with State statutes regulating the partitioning of land held in common ownership.
- d) A partitioning or division into two or three parts of any lot or parcel of land, provided that such partitioning or division has first been reviewed and approved, in writing, by the Planning Director. The written approval shall be addressed to the Mayor of the Town and signed by the Town Engineer.
- e) Any partitioning or division into two or more parts of any lot or parcel of land which is zoned commercial or industrial, provided that such partitioning or division has first been reviewed and approved by the Planning Director in order to assure complying with the provisions of Chapters 3 and 4 of this Ordinance. Resulting parcels need not front on a street if such parcels are included in an approved site plan, which provides for access from the parcel to a public street. Approval of such partitioning or division to be in writing addressed to the Planning Director and approved by the Planning Director.
- f) Leasing of apartments, offices, stores, or similar space within an apartment building, commercial building, or industrial building.

45) Town: The Town of Carefree, Arizona.

46) Town Council: The Common Council of the Town of Carefree, Arizona.

47) Usable Lot Area: That portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, excessively steep or included in certain types of easements.

48) Utilities: Installations or facilities, underground or overhead, furnishing for the use of the public; electricity, gas, steam, communication, water, drainage, sewage disposal, or flood control, owned and operated by any person, firm, corporation, municipal department, or board, duly authorized by State or Municipal regulations. Utility or utilities may also refer to such persons, firms, corporations, departments, or boards, as sense requires.

49) Utility Committee: An individual or group of individuals designated by the several utilities as their representative in subdivision matters.

SECTION 1.04 DUTIES OF THE PLANNING DIRECTOR; PROPERTY DIVISION FEES.

A fee, according to the following schedule, shall be paid to the Department prior to review by the Planning Director of any proposed partitioning or division into two, three, or four parts of any lot or parcel of land which is not deemed to be a subdivision under this Ordinance.

Single-family residential zones	\$250.00
Multiple-family residential zones	\$350.00
Nonresidential zones	\$450.00

SECTION 1.05 PROHIBITION AGAINST CIRCUMVENTION OF TITLE:

- 1) No person, firm, corporation, or other legal entity shall sell or lease, or offer for sale or lease, any lot, piece, or parcel of land which:
 - a. Is within a subdivision as defined in Section 103 of this Ordinance without first having recorded a plat thereof in accordance with the provisions of this Ordinance, or
 - b. Is not within a subdivision as defined in Section 103 of this Ordinance without first having obtained approval by the Planning Director as provided in Section 204 of this Ordinance.
- 2) No building permit shall be issued for construction on any lot, piece or parcel of land which is not a part of a recorded subdivision plat or has not been approved by the Planning Director in accordance with the provisions of Section 204 of this Ordinance.

SECTION 1.06 VIOLATION AND PENALTIES:

- 1) Any person, firm, corporation, or other legal entity who violates any provision of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed seven hundred and fifty dollars (\$750.00), or by imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.
- 2) Each day that a violation is permitted to exist constitutes a separate offense.
- 3) The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Article II. PLATTING PROCEDURES

SECTION 2.01 OUTLINE OF PROCEDURES.

The preparation, submittal, review, and approval of all subdivision plats located inside the limits of the Town shall proceed through the following progressive stages:

- Stage I: Preapplication Conference
- Stage II: Preliminary Plat
- Stage III: Final Plat

STAGE I: PREAPPLICATION CONFERENCE

SECTION 2.02 PREAPPLICATION CONFERENCE; PURPOSE:

- 1) The preapplication conference stage of subdivision planning comprises an investigatory period which precedes actual preparation of preliminary plans by the subdivider. During this stage, the subdivider makes known his intentions to the Planning Director and is advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements.
- 2) During this stage, it may be determined that a change in zoning would be required for the subject tract or a part thereof, and in such case, the subdivider shall initiate the necessary rezoning application.
- 3) In carrying out the purpose of the preapplication stage, the subdivider and the Planning Director shall be responsible for the actions described in the following sections.

SECTION 2.03 ACTIONS BY SUBDIVIDER.

The subdivider shall meet informally with the Planning Director to present a general outline of his proposal, including but not limited to:

- 1) Sketch plans and ideas regarding land use, street and lot arrangement, and tentative lot sizes.
- 2) Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

SECTION 2.04 ACTIONS BY THE PLANNING DIRECTOR

The Planning Director shall discuss the proposal with the subdivider and advise him of procedural steps, design and improvement standards, and general plat requirements.

Then, depending upon the scope of the proposed development, the Planning Director shall proceed with the following investigations:

- 1) Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.
- 2) Determine the adequacy of existing or proposed schools, parks, and other public spaces.
- 3) Inspect the site or otherwise determine its relationship to major streets, utility systems, adjacent land uses, and to determine any unusual problems such as topography, utilities, flooding, etc.
- 4) Determine the need for preparation and review of a development master plan prior to subsequent consideration of a preliminary plat and advise the subdivider if a master development plan is required and to what extent it shall be prepared by the developer.
- 5) Determine if certain lands may either not be subdivided, by reason of adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water, or other natural or man-made hazard to life or property, or control the lot size, establish special grading and drainage requirements, and impose other regulations deemed reasonable and necessary for the public health, safety, or general welfare on any lands to be subdivided affected by such characteristics.
- 6) All landscaping plans for common public areas to be provided by the subdivider and approve such plans and the indigenous desert plants to be included in that plan.

SECTION 2.05 DEVELOPMENT MASTER PLAN.

- 1) The Planning Director shall use the following guidelines in establishing the need for a development master plan:
 - a) The tract is sufficiently large to comprise an entire neighborhood; or
 - b) The tract initially proposed for platting is only a portion of a larger landholding of the subdivider; or
 - c) The tract is part of a larger land area, the development of which is complicated by unusual topographic, utility, land use, land ownership, or other conditions. The entire land area need not in this case be under the subdivider's control.
- 2) The development master plan shall be prepared to scale and accuracy commensurate with its purpose, and shall include:

- a) General street pattern with particular attention to collector streets and future circulation throughout the neighborhood.
 - b) General location and size of school sites, parks, or other public areas.
 - c) Location of shopping centers, multi-family residential, or other proposed land uses.
 - d) Methods proposed for sewage disposal, water supply, and storm drainage.
- 3) Upon acceptance of the general design approach by the Planning Director, the development master plan may be submitted to the Planning Commission and the Town Council for consideration. If general approval is given, notice to that effect shall be recorded in the minutes of both bodies and a copy of said minutes transmitted to the subdivider and his engineer. If development is to take place in several parts, the development master plan shall be submitted as supporting data for each part. The development master plan shall be kept up-to-date by the subdivider and the Planning Director as modifications take place.

STAGE II: PRELIMINARY PLAT

SECTION 2.06 PRELIMINARY PLAT.

The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review, and approval of the preliminary plat. To avoid delay in processing the application, the subdivider shall carefully provide the Department with all information essential to determine the character and general acceptability of the proposed development.

SECTION 2.07 COMPLIANCE WITH ZONING AND PROPOSED ZONING REGULATIONS.

The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. In the event that amendment of zoning is deemed necessary, the rezoning shall be initiated by the property owner or his authorized agent, heard, and approved by the Commission and the Council. The Department shall not proceed with processing of the preliminary plat until it has determined that the Commission will make a favorable recommendation to the Council regarding the proposed zoning change. In any event, any change in zoning required in relation to the preliminary plat shall have been approved by the Town Council prior to approval of the preliminary plat by the Council.

SECTION 2.08 INFORMATION REGARDING SANITARY SEWERAGE AND WATER SUPPLY.

As a prerequisite of preliminary plat review by the Department, the subdivider shall have informed the County Health Department and the appropriate water supply agency of his

tentative plans and learned the general requirements for sewage disposal and water supply as applied to his location.

SECTION 2.09 MANNER OF DEPICTING PRELIMINARY PLAT INFORMATION.

The information required as part of the preliminary plat submittal shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring twenty-two inches (22") by thirty-six inches(36"), and not exceeding forty-two inches (42") by sixty inches (60").

SECTION 2.10 CONTENTS OF PLAT; IDENTIFICATION AND DESCRIPTION.

All preliminary plats shall contain the following data:

- 1) Proposed name of subdivision and its location by section, township and range, referenced by dimension and bearing to a survey monument approved by the Town Engineer.
- 2) Name, address, and phone number of the subdivider.
- 3) Name, address, and phone number of the engineering surveyor, landscape architect, or land planner preparing the plat.
- 4) Scale, north point, and date of preparation, including dates of any subsequent revisions.
- 5) A location map which shall show the relationship of the proposed subdivision to main traffic arteries and any other facilities which might help to locate the subdivision. This map may be on the preliminary map but if this is not practical, then a separate map showing title, scale, north point, and date shall be provided.

SECTION 2.11 EXISTING CONDITIONS DATA OF PRELIMINARY PLAT.

The following conditions data shall be set forth on all preliminary plats as follows:

- 1) Topography by contours or "spot elevations" related to USG & GS survey datum, or other datum approved by the Town Engineer, shown on the same map as the proposed subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.

- 2) Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; direction of flow; location and extent of areas subject to inundation, whether such inundation be frequent, periodic, or occasional.
- 3) Locations, widths, and names of all platted streets, railroads, utility right-of-way of public record, public areas, permanent structures to remain, including water wells, and municipal corporation lines within or adjacent to the tract. Two copies of a preliminary title report showing the above shall be submitted.
- 4) Name, book, and page number of any recorded adjacent subdivisions having common boundary with the tract.
- 5) By note, the existing zoning classification of the subject tract and adjacent tracts.
- 6) By note, the acreage of the subject tract.
- 7) Boundaries of the tract to be subdivided shall be fully dimensioned.

SECTION 2.12 PROPOSED CONDITIONS DATA OF PRELIMINARY PLAT.

- 1) The following items concerning the proposed subdivision shall be set forth as follows:
 - 1) Street layout, including location, width, and proposed names of public streets, alleys, crosswalks, and connections to adjoining platted tracts.
 - 2) Typical lot dimensions (scaled), approximate dimensions of all corner lots and lots of curvilinear sections of streets, each lot numbered individually, and total number of lots.
 - 3) Designation of all land to be dedicated or reserved for public use with use indicated.
 - 4) If plat includes land proposed for multi-family, commercial, or industrial use, such areas shall be clearly designated together with existing zoning classification and status of zoning change, if any.
 - 5) Three copies of any proposed restrictive covenants or deed restrictions shall be filed within five (5) days after the preliminary plat is filed.

SECTION 2.13 PROPOSED UTILITY METHODS OF PRELIMINARY PLAT.

The preliminary plat shall contain the following information with respect to proposed utilities:

- 1) It is the responsibility of the subdivider to furnish the County Health Department such evidence as that Department may require to 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.

- 2) All Subdivisions that contain lot sizes of 35,000 square feet or less, but which are not able to hook into an established sewer system initially, must install a dry sewer system for all of the lots within the subdivision of 35,000 square feet or less as recommended by the Town of Carefree Master Plan.
- 3) As to water supply, the subdivider shall show evidence of adequate volume and quality satisfactory to the County Health Department and substantiated by letter from that Department.
- 4) Preliminary calculations and layout of proposed system and locations of storm water retention and disposal; subject to approval of the Town Engineer and the County Flood Control Department.

SECTION 2.14 PRELIMINARY PLAT SUBMISSION; FORM; FILING AND FEE.

- 1) Twelve copies of the preliminary plat and required supporting data prepared in accordance with requirements set forth in Sections 214 and 218, and Sections 301 to 322, Section 324 and Sections 501 and 505 of this Ordinance, shall be filed with the Town Engineer at least fourteen (14) days prior to the Commission meeting at which the subdivider desires to be heard. Copies of the preliminary plat shall be reproduced in the form of blue line or black line prints on a white background. One (1) eight and one-half inches by eleven inches (8.5" X 11") reproduction and one (1) eleven inches by seventeen inches (11" X 17") prints of the preliminary plat shall also be filed. Scheduling of the case for Commission hearing shall be dependent upon adequacy of data presented and completion of processing.
- 2) The submittal shall be checked by the Department for completeness and assigned a case number; if incomplete as to those requirements set forth in Sections 214 thru 218, the submittal shall be rejected and the subdivider notified within five (5) days of the date the map was received.
- 3) A filing fee to cover costs of examining and processing preliminary plats and field inspection related thereto, shall be paid by the subdivider at the time of filing to the Department as follows:
 - a) Twenty-five hundred dollars (\$2500) plus seventy-five dollars (\$75) per lot within such plat. The filing fee to cover filing of an amended or revised preliminary plat handled as the same case shall be one hundred dollars (\$100).
 - b) If the preliminary plat approval expires prior to application for final approval, the plat shall be submitted for preliminary approval as a new case and the subdivider shall be required to pay the new fees.

- c) Preliminary plat subdivision shall be simultaneous with application for site plan approval when such approval is required by the Zoning Ordinance. In such instances, site plan review by the Commission and the Council shall be considered as a review of the preliminary plat, and site plan approval by the Commission and the Council, with all conditions, shall be considered as approval of the preliminary plat.

SECTION 2.15 PRELIMINARY PLAT REVIEW.

- 1) On receipt of the preliminary plat, the Department shall perform its review of the proposed street system; street plans, and compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; and water and sewerage disposal proposals.
- 2) The Department shall distribute copies of the plat to the following review offices:
 - a) The County Flood Control Engineer for review of drainage and flood control measures.
 - b) The Town's fire/emergency service provider for their review of the features of the proposed development relating to their respective responses of public safety and fire prevention and protection.
 - c) The County Health Department for review of water and sewerage disposal proposals.
 - d) Superintendent of the appropriate school district for information.
 - e) Interested utilities for information.
 - f) Planning or engineering department of any neighboring political entity.
 - g) Maricopa County Planning Department.
 - h) United States Postmaster at Cave Creek, Arizona.
 - i) Where the land abuts State lands, the State Land Department for information.
- 3) The reviewing offices may transmit their recommendations to the Department in writing. The Department shall receive and summarize the reviewing offices' recommendations, prepare a report, and present it to the Commission.

SECTION 2.16 PRELIMINARY PLAT APPROVAL PROCEDURES.

- 1) If the Department report indicates that the requirements of this article have been met, the Commission shall consider the preliminary plat at a regular meeting within thirty (30) days of the date of filing. Upon consideration, the Commission shall forward the plat with its recommendations to the Council.
- 2) The Council shall consider the preliminary plat and the Commission's recommendations at its first regularly scheduled meeting after the Commission hearing.
- 3) The Council shall approve, disapprove, or conditionally approve the preliminary plat. The Town Clerk shall record the Council's action together with any conditions of approval.

SECTION 2.17 SIGNIFICANCE AND BASIS OF PRELIMINARY APPROVAL.

Preliminary approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary approval is based upon the following terms:

- 1) The basic conditions under which preliminary approval of the preliminary plat is granted will not be substantially changed prior to expiration date.
- 2) Approval is valid for a period of two (2) years from the date of Town Council approval. A two (2) year extension of the preliminary plat approval may be granted by the Town Council upon receipt of a letter prior to the expiration date from the subdivider.
- 3) Preliminary approval, in itself, does not assure final acceptance of streets for dedication nor continuation of existing zoning requirements for the tract or its environs, nor constitute authorization to record the plat.

STAGE III: FINAL PLAT

SECTION 2.18 FINAL PLAT STAGE IN GENERAL.

The final plat stage includes the final design of the subdivision, engineering of public improvements, and submittal of the plat and plans by the subdivider, for review and action by the Council.

SECTION 2.19 UTILITY EASEMENTS.

It is the responsibility of the subdivider to provide on the final plat, prior to plat recordation, such easements in such location and width as required for utility purposes. The following notation shall be placed upon all final plats:

"Construction within easements, except by public agencies and utility companies, shall be limited to utilities; and wood, wire, or removable section type fencing."

SECTION 2.20 FINAL PLAT PREPARATION.

The final plat shall be prepared in accordance with requirements set forth in Sections 235 through 240 of this Ordinance, and shall substantially conform to the approved preliminary plat.

SECTION 2.21 METHOD AND MEDIUM OF PRESENTATION.

- 1) The record plat shall be drawn in india ink on linen or other durable material, and on a sheet conforming to proportions of three inches by four inches (3" x 4"). In certain unusual instances, such as where the area to be subdivided is of unusual size or shape, the Department may permit a variation in the scale of the final plat. If more than two (2) sheets are required for the drafting of the final plan, an index sheet of the same dimensions shall be filed, showing the entire subdivision on one sheet and the portion thereof contained on the other sheets.
- 2) Copies of the record plat shall be reproduced in the form of blue line or black line prints on a white background.
- 3) The final plat shall be drawn on an accurate scale of not more than one hundred feet to the inch (100':1") from an accurate survey. Where unusual platting conditions exist, the Planning Director may approve a modified scale.

SECTION 2.22 REQUIRED IDENTIFICATION DATA.

The following language shall be required as a part of the preliminary or final plat submitted:

- 1) A title which includes the name of the subdivision and its location by number of section, township, range, and County.
- 2) Name, address, and registration number of seal of the registered civil engineer or registered land surveyor preparing the plat.
- 3) Scale, north arrow, and date of plat preparation.

SECTION 2.23 SURVEY DATA REQUIRED.

The following survey data is required:

- 1) Boundaries of the tract to be subdivided fully balanced and closed showing all bearings and distances and mathematical calculations, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

- 2) Any excepted parcel or parcels within the plat boundaries shall show all bearings and distances; determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- 3) Location and description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced; each of two corners of the subdivision traverse shall be tied by course and distance to separate survey monuments approved by the Town Engineer.
- 4) Location of all physical encroachments upon the boundaries of the tract.

SECTION 2.24 DESCRIPTIVE DATA REQUIRED.

The following descriptive data is required:

- 1) Name, right-of-way lines, courses, lengths, width of all public streets, alleys, cross-walks, and utility easements; radii, points of tangency, and central angles of all curvilinear streets and alleys; radii of all rounded street line intersections.
- 2) All drainage ways shall be shown on the plat. The right-of-way of all major drainage ways, as designated by the Town Engineer, shall be dedicated to the public.
- 3) All easements for rights-of-way provided for public services or utilities and any limitations of the easements. Construction within the easement shall be limited to utilities; and wood, wire, or removable section type fencing.
- 4) Location and dimension of all residential lots.
- 5) All residential lots shall be numbered by consecutive numbers throughout the plat. "Exceptions," "tracts" and "private parks" shall be so designated, lettered or named, and clearly dimensioned.
- 6) Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
- 7) Location of all adjoining subdivisions with date, book and page number of recordation noted or, if unrecorded or undivided, so marked.
- 8) Any deed restrictions or restrictive covenants to be imposed upon the plat or any part of parts thereof pertaining to the intended use of the land shall be submitted within five (5) days after final plat filing. Deed restrictions shall in no way be less restrictive than zoning regulations imposed by the Town.

- 9) No final plat for a subdivision of larger than five (5) lots (pursuant to A.R.S.) shall be approved unless accompanied by a Certificate of Assured Water Supply issued by the Arizona Director of Water Resources.

SECTION 2.25 DEDICATION IN FINAL PLAT.

- 1) A statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways, and easements for public use by the person holding title or record, by persons holding titles as vendees under land contract, and by wives of said parties shall be included in the final plat. If lands dedicated are mortgaged, the mortgagee shall also sign the plat.
- 2) Dedication shall include a written location by section, township, and range of the tract. If the plat contains private streets, the public utilities shall be reserved the right to install and maintain utilities in the street rights-of-way, including refuse collection. Execution of dedication shall be acknowledged and certified by a notary public.

SECTION 2.26 REQUIRED CERTIFICATIONS.

The following certifications are required:

- 1) Certification by the registered civil engineer or registered land surveyor making the plat, that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.
- 2) Certification by the Town Engineer that the final plat substantially conforms to the preliminary plat approved by the Council and that all engineering conditions and requirements of this Ordinance have been complied with.
- 3) Certification by the Town Clerk of the date the map was approved by the Town Council.
- 4) Certificate of recordation by the County Recorder.
- 5) No final plat shall be approved unless accompanied by a certificate of assured water supply issued by the Arizona Director of Water Resources pursuant to the Arizona Ground Water Law.

SECTION 2.27 FINAL PLAT SUBMISSION; FEE.

- 1) The subdivider shall file with the Department the final plat and a number of copies as specified by the Planning Director, together with a letter of transmittal and the application fee, at least twenty-one days prior to the Council meeting at which consideration is desired.

- 2) The fee for submission of a final plat to the Town shall be two thousand four hundred dollars (\$2,400) plus seventy-five dollars (\$75) per lot within such plat.
- 3) Upon Town Council approval and execution of final plat, subdivider is responsible for the recordation and associated fees of said plat.

SECTION 2.28 FINAL PLAT REVIEW PROCEDURES:

- 1) The Department, upon receipt of the final plat submittal, shall immediately record and receipt the date of filing and check it for completeness. When complete, the Department shall review the final plat for substantial conformity to the approved preliminary plat and refer copies of the submittal to the following reviewing offices who shall make known their recommendation, in writing, to the Town Council:
 - a) Planning Director, for approval of the final plat and landscape plan.
 - b) County Flood Control Engineer, for approval of drainage and flood control measures.
 - c) County Health Department, for approval of sewage disposal and water supply plans.
 - d) Interested utility companies, for utility easements.
- 2) The Department shall assemble the recommendations of the various reviewing offices, prepare a concise summary of recommendations, and submit said summary together with the reviewer's recommendations to the Town Council. In the event that the Department finds that the final plat does not conform to the preliminary plat, as approved by the Council, then the final plat shall be submitted to the Commission for review and recommendations prior to the submittal to the Council.

SECTION 2.29 FINAL PLAT APPROVAL PROCEDURES.

- 1) Upon receipt of a request for Council action from the Planning Director, the Clerk shall place the case on the agenda for the next regular Town Council meeting, whereupon the Council shall approve or deny the plat.
- 2) If the Council rejects the plat for any reason whatsoever, the reasons, therefore, shall be recorded in the minutes.
- 3) If the Council finds approval of the plat, the Clerk shall transcribe a certificate of approval upon the plat, first ensuring that the other required certifications pursuant to Section 2.26 of this Ordinance have been duly signed, that required easements for

utility purposes have been included on the plat, and that engineering plans have been approved by the Town Engineer.

ARTICLE III. DESIGN STANDARDS AND PRINCIPALS.

IN GENERAL

SECTION 3.01 CONFORMITY WITH EXISTING PLANS, ORDINANCES, AND LAWS.

Every subdivision shall conform to the objectives of any comprehensive general plan adopted by the Town Council. Every subdivision shall also conform to the Zoning Ordinance and to other Ordinances and regulations of the Town and to the Arizona Revised Statutes.

SECTION 3.02 DEDICATIONS FOR PUBLIC PURPOSES.

Where the tract to be subdivided contains all or any part of the site of a park, school, flood control facility, or other public area as shown on the comprehensive general plat or as recommended by the Council, such site shall be dedicated to the public or reserved for acquisition by the public within a specified period of time. An agreement shall be reached between the subdivider and the appropriate public agency regarding time, method, and cost of such acquisition.

SECTION 3.03 SUBDIVISION UNSUITABLE LAND.

Land which is subject to periodic flooding, land which cannot be properly drained, or other land which, in the opinion of the Town Council, is unsuitable for subdivision use, shall not be subdivided; except that the Council may approve subdivision of such land upon receipt of evidence from the County Health Department, the County Flood Control Department or the Town Engineer that the construction of specific improvements can be expected to render the land suitable; thereafter, construction upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.

STREET NAMES, LOCATION, ARRANGEMENT AND DESIGN

SECTION 3.04 NAMING OF STREETS.

The subdivider shall propose street names subject to the approval by the Department at the preliminary plat stage.

SECTION 3.05 STREET LOCATION AND ARRANGEMENT.

Street location and arrangement shall conform to the following general principles:

- 1) Whenever a tract to be subdivided embraces any part of a street designated in an adopted Town streets and highways plan, such street shall be platted in conformance therewith.
- 2) Street layout shall provide for the continuation of such streets as the Planning Director may designate.

- 3) Whenever a tract to be subdivided is located within an area for which a neighborhood plan has been approved by the Council, the street arrangement shall conform substantially to the plan.
- 4) Certain proposed streets, as designated by the Planning Director, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands.
- 5) Local streets shall be so arranged as to discourage their use by through traffic.
- 6) Where a proposed subdivision abuts or contains an existing or proposed arterial route, the Planning Director may require frontage streets or reverse frontage with non-access easements along the arterial route, or such other treatment as may be justified for protection of residential properties from the nuisance and hazard of high volume traffic, and to preserve the traffic function of the arterial route.
- 7) Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient, and to facilitate adequate drainage.
- 8) Alleys shall be required in all residential, commercial, and industrial subdivisions, except that the Planning Director may recommend waiver of requirements in certain districts because of topography, open area provided, or service access provided in some other manner acceptable to the Planning Director.
- 9) Half streets shall be discouraged except where necessary to provide right-of-way required by the Town streets and highway plan, to complete a street pattern already begun or to insure reasonable development of a number of adjoining parcels. Where there exists a platted half street abutting the tract to be subdivided and said half street furnishes the sole access to residential lots, the remaining half shall be platted within the street.

SECTION 3.06 STREET DESIGN STANDARDS.

- 1) Minimum required right-of-way widths for major streets, section line roads, State and Federal Highways, collector streets, mid-section line roads, and local streets shall be the same as the "Setback Lines" established in the Zoning Ordinance.
 - a) Cul-de-sac streets shall terminate in a circular right-of-way forty-five feet (45') in radius with an improved traffic-turning circle forty feet (40') in radius. The Planning Director may approve an equally convenient form of space where extreme conditions justify.
 - b) Dead end streets will not be approved except in locations designated by the Council as necessary to future extension in development of adjacent lands. In any

case, a dead end street serving more than four (4) lots shall provide, by easement, a temporary turning circle with a forty-foot (40') radius or other acceptable design to accomplish adequate access.

- 2) Alleys shall be sixteen feet (16') if single-family residential on both sides; twenty feet (20') if abutting commercial or multiple-family residential. Alley intersection and sharp changes in alignment shall be avoided but, where necessary, corners shall be cut-off fifteen feet (15') on each side to permit safe vehicular movement. Dead end alleys shall be prohibited. All half alleys shall have a minimum width of twelve feet (12').
- 3) Grades shall be as follows:
 - a) Maximum:
 - (1) Arterial routes as determined by the Town Engineer.
 - (2) Collector streets - seven percent (7%).
 - (3) Local Streets - ten percent (10%).
 - b) Where rigid adherence to these standards causes unreasonable or unwarranted hardship in design or cost without commensurate public benefit, exception may be made by the Planning Director upon review and approval of the Town Council.
- 4) Vertical curves shall be as follows:
 - a) Arterial routes, as determined by the Planning Director.
 - b) Collector and minor streets minimum length, one hundred feet (100'), except in cases approved by the Planning Director.
- 5) Horizontal alignment shall be as follows:
 - a) Arterial routes, as determined by the Planning Director.
 - b) When tangent centerlines deflect from each other more than ten (10) degrees and less than ninety (90) degrees, they shall be connected by a curve with a minimum centerline radius of five hundred feet (500') for collector streets, and one hundred feet (100') for local streets.
 - c) Between reverse curves there shall be a tangent section of centerline not less than one hundred feet (100') long, unless the radius exceeds six hundred feet (600') on collector streets or two hundred feet (200') on local streets, in which case no tangent shall be required.

- d) Streets intersecting an arterial route shall do so at an angle which shall not vary from ninety (90) degrees by more than four (4) degrees; intersections of local streets shall not vary from ninety (90) degrees by more than fifteen (15) degrees.
 - e) Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided except under special circumstances.
 - f) Minor streets intersecting a collector street or arterial route shall have a tangent section of centerline at least one hundred fifty feet (150') in length measured from the right-of-way line of the major street; except that no such tangent is required when the minor street curve has a centerline radius greater than four hundred feet (400') with the corner located on the major street right-of-way line. Where topographic conditions make necessary other treatment to secure the best overall design, these standards may be relaxed by the Planning Director upon the recommendation of the Town Engineer.
 - g) Street intersections with more than four (4) legs and "Y" type intersections where legs meet at acute angles, shall be avoided.
 - h) At street intersections, property line corners shall be rounded by circular arc, said arc having a minimum tangent length of twelve feet (12').
- 6) Private streets shall be constructed to conform to current Town standards.

SECTION 3.07 BLOCK DESIGN PRINCIPALS.

Block design shall conform to the following general principles:

- 1) The maximum length of blocks, measured along the centerline of the street and between intersecting street centerlines, shall be fifteen hundred feet (1,500'); except that in developments with lot areas averaging one-half acre or more or where conditions warrant, this maximum may be exceeded by five hundred feet (500'). Blocks shall be as long as reasonably possible under the circumstances within the above maximum in order to achieve depth and possible street economy and to reduce the expense and safety hazards arising from excessive street intersections.
- 2) Maximum length of cul-de-sac streets shall be four hundred feet (400'), measured from the intersection of right-of-way lines to extreme depth of the turning circle along the street centerline. Exceptions may be made where topography, adjacent platting or other unusual conditions justify such. No exception shall be made merely because the tract has restrictive boundary dimensions, wherein provisions should be made for extension of street pattern to the adjoining unplatted parcel and a temporary turnaround installed.

- 3) Pedestrian ways with right-of-way of eight feet (8') may be required where essential for circulation, or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Pedestrian ways may be used for utility purposes.

SECTION 3.08 LOT PLANNING PROCEDURES.

- 1) Lot width, depth, and area shall comply with the minimum requirements of the Zoning Ordinance and shall be appropriate for the location and character of development proposed, and for the type and extent of street and utility improvements being installed. In general, urban density of three (3) or more lots per gross acre must have urban street and utility improvements. "Urban improvements" means paved and curbed streets, sidewalks, local storm drainage system, public water supply and, whenever reasonably possible, public sanitary sewerage.
- 2) Where steep topography, unusual soil conditions, drainage problems, abrupt changes in land use, or heavy traffic on adjacent streets prevail, the Planning Director may make special lot width, depth, and area requirements which exceed the minimum requirements of the particular zoning district.
- 3) Proposed streets shall be arranged in close relation to existing topography. Where steep topography prevails, as in the platting of lots in hillside areas and where street grades must, of necessity, reach or exceed the standard requirements, the requirements of section 501 thru 505 of this Ordinance shall be followed.
- 4) The depth-width ratio of the usable area of the lot shall not be greater than three to one (3:1).
- 5) Minimum front building lines shall conform to the minimum requirements of the Zoning Ordinance.
- 6) Side lot lines shall be substantially at right angles or radial to street lines except where other treatment may be justified in the opinion of the Planning Director.
- 7) Every lot shall abut upon a public street furnishing satisfactory access thereto.

SECTION 3.09 LANDSCAPING IN SUBDIVISIONS:

- 1) All common public areas shall be landscaped by the subdivider at his expense with indigenous desert plants that require a minimum of water as approved by the Planning Director.
- 2) All landscaping shall be supplied and installed according to the landscape plan approved by the Planning Director.

SECTION 3.10 UTILITY EASEMENTS:

- 1) Easements for utilities shall be provided as follows:
 - a) Where alleys are provided there shall be four feet for aerial overhead on each side of alley provided for by dedication.
 - b) Along side lot lines there shall be six feet on each side of lot lines for distribution facilities.
 - c) Guy and anchor easements shall require one foot wide on each side of lot line, or two feet wide on one side of lot line, and approximately thirty-five feet in length measured from the rear lot line as designated.
- 2) For lots facing on curvilinear streets, utility easements or alleys may consist of a series of straight lines with points of deflection not less than one hundred twenty feet apart. Points of deflection should always occur at the junction of side and rear lot lines on the side of the exterior angle. Curvilinear easements or alleys may be provided, providing that the minimum radius for the alley or easement shall be not less than eight hundred feet, except that four hundred fifty feet radii curves may be allowed where there are adequate provisions for utilities.
- 3) Where a stream or important surface drainage course abuts or crosses the tract, dedication of a public drainage easement of a width sufficient to permit widening, deepening, relocating, or protecting the water course, shall be required.
- 4) Land within a public street or drain easement or land within a utility easement for major power transmission (tower) lines or pipe lines shall not be considered a part of the minimum required lot area except where lots exceed one-half acre in area. This shall not be construed as applicable to land involved in utility easements for distribution or service purposes.
- 5) Except where alleys are provided, lots shall have the rear eight feet recorded as a utility easement, if any utilities are to be located along the rear lot line, subject to approval of the Town Engineer.

ARTICLE IV. STREET AND UTILITY IMPROVEMENTS.

IN GENERAL

SECTION 4.01 PURPOSE OF CHAPTER.

It is the purpose of this chapter to establish, in outline, the minimum acceptable standards for improvement of public streets and utilities, to define the responsibility of the subdivider in the planning, constructing, and financing of public improvements, and to establish procedures for and approval of engineering plans.

SECTION 4.02 IMPROVEMENTS SUBDIVIDER'S RESPONSIBILITY.

All improvements required in streets, alleys, or easements which are required as a condition to plat approval, are the responsibility of the subdivider, provided, however, that he may be allowed to meet the requirements by participation in an improvement district approved by the Town.

SECTION 4.03 ENGINEERING PLANS:

- 1) It is the responsibility of the subdivider to have prepared by a registered engineer, registered in the State of Arizona, a complete set of engineering plans satisfactory to the Town Engineer, for construction of required improvements. Such plans shall be based on the approved preliminary plat and be prepared in conjunction with the final plat.
- 2) Engineering plans shall be approved by the Town Engineer prior to recordation of the final plat.

SECTION 4.04 CONSTRUCTION, INSPECTION, AND BUILDING PERMIT FEE:

- 1) Construction shall not commence until building permit has been issued and paid in accordance with the building permit fee schedule set forth in Section 10-1-2(G) of the Town Code of the Town of Carefree. (Note: the plan review fee noted in Section 10-1-2(G) is waived.)
- 2) All improvements in the public right-of-way shall be constructed under the inspection and approval of the Town Department having jurisdiction. If work has been discontinued for any reason, it shall not resume until after notifying, in advance, the Department having jurisdiction.
- 3) All underground utilities to be installed in streets shall be constructed prior to the surfacing of such street. Service stubs to platted lots within the subdivision for underground utilities shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made.

SECTION 4.05 IMPROVEMENT PLAN REVIEW FEES:

- 1) The purpose of the plan review is to ensure that all plans conform to sound engineering concepts as well as conforming to the general development of the Town of Carefree.
- 2) The following plan review fee schedule shall be required for all subdivision development as well as all condominium and townhouse development and said fees shall be due and payable upon submittal of plans:

a) Paving Plan Review

1st Review	\$700.00
2nd Review	No Charge
3rd & Subsequent Reviews	\$100.00/ea.

b) Water Plan Review

1st Review	\$150.00
2nd Review	No Charge
3rd & Subsequent Reviews	\$50.00/ea.

c) Sewer Plan Review

1st Review	\$1500.00
2nd Review	No Charge
3rd & Subsequent Reviews	\$50.00/ea.

d) Grading Plan Review

1st Review	\$700.00
2nd Review	No Charge
3rd & Subsequent Reviews	\$100.00/ea.

e) Drainage Study Review

1st Review	\$700.00
2nd Review	No Charge
3rd & Subsequent Reviews	\$100.00/ea.

- f) A fee of ten dollars (\$50.00) per lot shall accompany each improvement plan submittal as referenced in subsection a to e, inclusive, of this subsection.

3) Plan review shall not remove any engineering responsibility from the developing engineer.

REQUIRED IMPROVEMENTS AND SCHEDULING.

SECTION 4.06 STREET AND ALLEY IMPROVEMENTS.

All streets and alleys within the subdivision shall be graded and surfaced to cross sections, grades, and standards approved by the Town Engineer. Where there are existing streets adjacent to the subdivision, subdivision streets shall be improved to the intercepting paving line of such existing streets. Dead end streets serving more than four lots shall be provided a graded and surfaced temporary turning circle.

SECTION 4.07. CURBING.

Where streets are to be paved, portland cement concrete curb and gutter, or valley gutter as designated by the Planning Director, shall be installed in accordance with approved Town standards.

SECTION 4.08 SIDEWALKS.

Portland cement concrete shall normally be required on both sides of streets and shall be constructed to a width, line, and grade approved by the Town Engineer in accordance with approved Town standards. Where density of development is light, or where for other reasons the installation of sidewalks is not considered necessary, the Planning Director may recommend that the requirement of one or both sidewalks be waived.

SECTION 4.09 STREET NAME SIGNS.

Signs shall be placed at all street intersections and be in place by the time the street pavement is ready for use. Specifications for design, construction, location, and installation shall be in accordance with approved Town standards. If the intersection contains a public street, fabrication and installation of the completed sign unit shall be by the Town of Carefree. The total cost shall be borne by the subdivider.

SECTION 4.10 STORM DRAINAGE.

Proper and adequate provisions shall be made for disposal of storm waters; this shall apply equally to grading of private properties and to public streets. Existing major water courses shall be maintained and dedicated as drainage ways. The type, extent, locations, and capacity of drainage facilities shall be determined for the individual subdivision by the Town Engineer and the Maricopa County Flood Control Department and shall be constructed in accordance with approved Town standards.

SECTION 4.11 SANITARY SEWAGE DISPOSAL.

Sewage disposal facilities shall be installed to serve each lot and be subject to the following standards and approvals:

- 1) Individual systems may be constructed only in areas not reasonably accessible to a public sewer system, and then only when approved by the Maricopa County Health Department or its designated agent.
- 2) Public sanitary sewers shall be installed in areas which are reasonably accessible to an existing sewer system and shall be constructed to plans, profiles, and specifications approved by the County Health Department and the Town Engineer.

SECTION 4.12 WATER SUPPLY.

Each lot shall be supplied with safe, pure, and potable water in sufficient volume and pressure for domestic use and fire protection in accordance with Town standards. Fire hydrants shall be installed in accordance with current Town standards at locations designated by the Town Engineer.

SECTION 4.13 MONUMENTS.

Permanent monuments shall be installed in accordance with current Town standards at all corners, angle points, and point of curves and at all street intersections. After all improvements have been installed, a registered land surveyor or engineer shall check the location of monuments and certify their accuracy.

SECTION 4.14 LOT CORNERS.

Iron pipe or round reinforced steel bars not less than one-half inch in diameter nor less than eighteen inches long shall be set at all corners, angle points, and points of curve for each lot within the subdivision prior to the recording of the plat except that the Planning & Zoning Commission may approve delay where topographic conditions make it necessary.

SECTION 4.15 UTILITIES: WATER, GAS, ELECTRIC, TELEPHONE, ETC.

- 1) All utility lines, including electric lines, telephone lines, and TV lines, shall be installed underground.
- 2) The subdivider shall be responsible for the requirements of this section and shall make the necessary arrangements with each of the public or private utility companies involved for the installation of underground facilities. Letters from each of the public or private utility companies indicating that the arrangements have been made shall be submitted to the Planning Department at the time the final subdivision plat is filed.

SECTION 4.16 ASSURANCE OF CONSTRUCTION.

To assure the construction of required street, sanitary sewer, water, utilities, drainage, flood control work, and any other required improvements, the installation thereof by the subdivider shall be guaranteed by a money deposit or a surety bond.

- 1) The surety bond shall be in form and substance as approved by the Town Attorney and the Planning Director.
- 2) The money or bond shall be given to the Town prior to recording of the final plat, and shall be one hundred ten percent of the Engineer's estimate of the construction cost for the on and off-site improvements.
- 3) Progress payments may be made to the subdivider on his order from any money deposit made pursuant to this section. Such progress payments shall be made in increments of twenty-five percent (25%), fifty percent (50%), seventy-five percent (75%) and ninety percent (90%) of the work completed as determined by the Town Engineer or such other percentages the Town Council may approve from time to time pursuant to a Subdivision Improvement Agreement or Amendment thereto.
- 4) Said bond or all or any part of said cash shall be released upon satisfactory performance and acceptance of the work or portion thereof by the Town Engineer.

SECTION 4.17 SCHEDULE OF REQUIREMENTS IN SUBDIVISION GENERALLY.

Specific standards of improvement to be installed in a subdivision shall be related to the location of the subdivision and type of development proposed therein, as outlined in the following schedule of improvement requirements in Sections 4.18 through 4.20 of this Ordinance.

SECTION 4.18 URBAN DEVELOPMENT IMPROVEMENTS SCHEDULE.

The following schedule of improvements shall apply in urban developments:

- 1) Description: Single-family residential development with lot widths less than one hundred twenty feet and lot areas less than eighteen thousand square feet; two-family and multi-family residential development regardless of site area or density.
- 2) Requirements:
 - a) Public sewer in accordance with Section 4.11 of this Ordinance.

- b) Public water supply in accordance with Section 4.12 of this Ordinance including main and fire hydrants for fire protection.
- c) Storm drainage in accordance with Section 4.10 of this Ordinance.
- d) All streets, approved pavement, portland cement curb.
- e) Alleys, to have right-of-way as prescribed in Section 3.06 of this Ordinance and be completely surfaced with an approved material.

SECTION 4.19 SUBURBAN DEVELOPMENTS IMPROVEMENT SCHEDULE.

The following schedule of improvements shall apply in suburban developments:

- 1) Description: Single-family residential development with lot widths more than one hundred twenty feet and lot areas more than eighteen thousand square feet but less than thirty-five thousand square feet.
- 2) Requirements:
 - a) Public sewer in accordance with Section 417 of this Ordinance.
 - b) Public water supply in accordance with Section 418 of this Ordinance including main and fire hydrants for fire protection.
 - c) Storm drainage in accordance with Section 416 of this Ordinance.
 - d) All streets, approved pavement, portland cement curb.
 - e) Alleys, to have right-of-way as prescribed in Section 313.2 of this Ordinance and be completely surfaced with an approved material.

SECTION 4.20 ESTATE DEVELOPMENT IMPROVEMENT SCHEDULE.

The following schedule of improvements shall apply in estate developments:

- 1) Description: Single-family residential development with lot widths more than one hundred forty feet and lot areas more than thirty-five thousand square feet.
- 2) Requirements:
 - a) Public sewer in accordance with Section 417 of this Ordinance.

- b) Public water supply in accordance with Section 418 of this Ordinance including main and fire hydrants for fire protection.
- c) Storm drainage in accordance with Section 416 of this Ordinance.
- d) All streets, approved pavement, portland cement curb.
- e) Alleys, to have right-of-way as prescribed in Section 313.2 of this Ordinance and be completely surfaced with an approved material.

ARTICLE V. HILLSIDE SUBDIVISIONS.

IN GENERAL

SECTION 5.01 GENERAL PROVISIONS.

Planning, platting, and development of hillside district subdivisions involves special problems and requires special handling.

The following objectives are established for hillside district subdivisions:

- 1) Protect people and property from potentially hazardous conditions particular to hillsides.
- 2) Accommodate development on lower slopes of the hillsides while protecting the area's natural character, resources and aesthetic value.
- 3) Encourage innovative hillside development by allowing the flexibility necessary to produce unique, environmentally sensitive projects.
- 4) Minimize hillside disturbance and potential problems such as construction scars, erosion, increased runoff and downstream flood hazards.
- 5) Minimize the costs to the Town of providing public services and facilities to developable hillside areas.

SECTION 5.02 LOT WIDTH AND AREA.

Lot width and area shall be closely related to the terrain, drainage, percolation factors or construction of sanitary sewers, with emphasis placed on selection of home sites and the access to the home sites.

SECTION 5.03 SPECIAL DESIGN CRITERIA FOR HILLSIDE DISTRICT SUBDIVISION.

- 1) The following roadway design speeds and rights-of-way shall be used:

	<u>Maximum Design Speed</u>	<u>Right-of-Way</u>
Residential	25 m.p.h.	30'
Collector	40 m.p.h.*	50'

- 1) In order to better meet the Mountainside District objectives, design speed may be reduced upon approval of the Planning Director.
- 2) Roadway grades shall not exceed ten percent unless otherwise approved by the Planning Director.

- 3) Ribbon or rolled curbs shall be used except where vertical curbs are deemed necessary for safety or drainage as determined by the Town Engineer.
- 4) All roadway cut and fill slopes shall be within the roadway right-of-way or within easements. A maximum of one-third of the cross sectional width of the roadway may be on fill material and a minimum of two-thirds of the roadway cross sectional width shall be on cut material or natural grade.
- 5) The location and installation of all utilities shall minimize disruption of the natural terrain and shall not be within designated natural areas.

SECTION 5.04 SPECIAL PRELIMINARY PLAT REQUIREMENTS.

The following shall apply to preliminary plats in Mountainside subdivisions:

- 1) Topography shall be arranged by suitable contour interval showing location of major and minor washes.
- 2) Road Profiles, cross sections and proposed grading plans may be required at the discretion of the Town Engineer.
- 3) Percolation tests and test boring lots in accordance with requirements of the County Health Department may be taken at the proposed subdivision prior to the submittal of the preliminary plat.

SECTION 5.05 PLAT PROCESSING TIME.

Due to special problems requiring special field and office review by the County Health Department, the Town Engineer and the staff, subdividers should expect processing time for Mountainside plats to exceed that otherwise required for normal plats.

ARTICLE VI. MODIFICATIONS OF SUBDIVISION ORDINANCE.

SECTION 6.01 EXTRAORDINARY CONDITIONS.

When, in the opinion of the Council, there exist extra-ordinary conditions of topography, land ownership or adjacent development, or other circumstances not provided for in these regulations, the Council may, upon investigation and recommendation by the Planning Director, modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.

SECTION 6.02 ADDITIONAL REQUIREMENTS FOR MODIFICATION.

In modifying the standards or requirements of these regulations, as outlined above, the Council may make such additional requirements as appear necessary, in its judgment, to secure substantially the objectives of the standards or requirements so modified.

**ARTICLE VII. SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES,
EFFECTIVE DATE**

SECTION 7.01 SEPARABILITY CLAUSE.

Should any article, section, or regulation of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the article, section, or regulation so declared to be unconstitutional or invalid.

SECTION 7.02 REPEAL OF CONFLICTING ORDINANCE.

All ordinances or portions of ordinances in conflict with this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 7.03 EFFECTIVE DATE.

This amended Ordinance shall become effective on the 18th day of August, 2011.

ATTEST:

Betsy Wise, Town Clerk