

Case No. PZ-24-00009: Subdivision Process
Amendment for Adoption to Flagstaff City Code

CHAPTER 11-20
SUBDIVISION AND LAND SPLIT REGULATIONS

Divisions:

- 11-20.10 Title and Authority – **No Change**
- 11-20.20 Purpose and Intent – **No Change**
- 11-20.30 Applicability – **One Substantive Change**
- 11-20.40 Subdivision Procedures and Requirements - **Substantive Changes**
- 11-20.50 Land Splits and Combinations – **Two Substantive Changes**
- 11-20.60 Boundary Adjustments – **No Change**
- 11-20.70 Subdivision Design Standards and Requirements – **No Change**
- 11-20.80 Minimum Required Subdivision Improvements – **No Change**
- 11-20.90 Modifications – **No Change**
- 11-20.100 Reversion to Acreage -**No Change**
- 11-20.110 Vacation of Streets and Easements – **No Change**
- 11-20.120 Violations – **No Change**
- 11-20.130 Appeals – **No Change**

11-20.10
Title and Authority

Sections:

11-20.10.010 Title and Authority

11-20.10.020 Short Title

11-20.10.010 Title and Authority

These regulations shall be known and referred to as the Subdivision and Land Split Regulations for the City of Flagstaff, Arizona, as provided for by A.R.S. § 9-463.

11-20.10.020 Short Title

The City of Flagstaff Subdivision and Land Split Regulations shall also be known as the "Subdivision Regulations".

11-20.20

Purpose and Intent

Sections:

11-20.20.010 Purpose and Intent

11-20.20.010 Purpose and Intent

A. The purpose of the City of Flagstaff Subdivision and Land Split Regulations is to facilitate orderly growth and harmonious development, and to protect and promote public health, safety and welfare. These Subdivision Regulations reflect policies developed by the City in its General Plan to help regulate the need for expanded public services, including transportation, education, water, sewer, and other utilities that is influenced by the sale of subdivided land. The preservation of the features that make Flagstaff a beautiful place to live, such as steep slopes, pine forests, and floodplains is also a priority. More specifically, these regulations are intended to achieve the following objectives:

1. To accommodate the demand for a variety of housing, including affordable housing, while recognizing the right of all citizens to a safe community without the hazards of flooding, erosion, contamination, and other blight;
2. To insure safe and efficient traffic circulation through coordinated street systems with major thoroughfares, adjoining subdivisions, and public facilities;
3. To provide lots and parcels of sufficient size and appropriate design for the purposes for which they will be used;
4. To secure adequate provisions for water supply, stormwater drainage, sewage disposal, and other utilities and facilities;
5. To provide adequate sites for schools, recreation areas, and other public facilities;
6. To provide logical procedures to facilitate the conveyance of land by accurate legal description, and to establish and assure the rights, duties and responsibilities of subdividers and developers with respect to land development;

7. To assure future buyers of land that the subdivider owns the land proposed to be sold, provides access to each property, and constructs and provides for maintenance of improvements, utilities, and amenities;

8. To apportion the costs of public services and facilities serving subdivision residents through the payment of fees, provision of facilities, and dedication of land and rights-of-way to the City in order to ensure that new development pays its way and does not burden the City's fiscal resources; and

9. To obtain accurate surveying and permanent public record of the separate interests created and conveyed by subdivision.

B. These Subdivision Regulations are intended to provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

11-20.30
Applicability

Sections:

- 11-20.30.010 General Applicability
- 11-20.30.020 Related Statutes
- 11-20.30.030 Reservation of Public Land

11-20.30.010 General Applicability

- A. The City shall not approve a final plat of a subdivision or land split unless it conforms to the provisions of this Chapter.
- B. No person shall sell or commence any development or construction upon any portion of a proposed subdivision until a final plat has been recorded.
- C. No person shall sell or commence any development or construction upon any portion of a proposed land split until a land split map has been recorded.
- D. The provisions of this Chapter apply to all subdivisions (including a modified subdivision process), land splits, and boundary adjustments as further described below, except for the following:
 - 1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots;
 - 2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership;
 - 3. The leasing of apartments, offices, stores, or similar space within a building or trailer park; or to
 - 4. The leasing of mineral, oil, or gas rights.
- E. As used within this Chapter, subdivision, modified subdivision process, land split, and boundary adjustment are described as follows (specific definitions of these terms are provided in Chapter 11-30, Definitions:

1. Subdivision:

- a. A subdivision is the division of improved or unimproved land into either:

- (1) Four or more lots, tracts or parcels of land;
- (2) Two or more lots, tracts or parcels of land, if a new street is involved; or
- (3) Three or more lots, tracts or parcels, the boundaries of which have been fixed by a recorded plat.

b. Subdivision applications are required to adhere to a comprehensive multi-step review process that includes submission of a preliminary plat for review and approval by the Director and City Engineer or review and approval by the City Council of any preliminary plat utilizing the Planned Residential Development standards or requiring a modification to Engineering Standards, submission of public improvement plans, and a final plat for review and approval of the Director and City Engineer.

2. Modified Subdivision Process: The modified subdivision process applies to subdivisions with no more than ten lots and land splits over 2.5 acres.

3. Land Split:

a. A land split is the division of improved or unimproved land whose area is 2.5 acres or less into either:

- (1) No more than two lots, tracts, or parcels, the boundaries of which have been fixed by a recorded plat; or,
- (2) Two or three lots, tracts, or parcels located within unsubdivided lands.

b. A land split application is reviewed and approved by the Director. A concept plan of the proposed land split may be submitted to the Director for review prior to submittal of a final legal description and land split map.

4. Boundary Adjustment: When the lot line between two adjoining parcels requires adjustment, a boundary adjustment following the procedure for a land split application is followed.

11-20.30.020 Related Statutes

The subdivision of land in the City of Flagstaff is subject to the requirements and procedures of Arizona and federal law. Specifically related statutes include A.R.S. Title 9; Article 6.2 concerning municipal subdivision regulations; Title 32 concerning the sale of lands; and, Title 33 concerning condominiums.

11-20.30.030 Reservation of Public Land

A. Land areas within a subdivision may be reserved for parks, recreational facilities, school sites and other public facilities including fire stations, open space lands and open areas, and flood control facilities, subject to the following conditions:

1. The requirements may only be made upon preliminary plats filed at least 30 days after adoption of a General Plan or Specific Plan affecting the land area to be reserved;
2. The required reservations must be in accordance with the General Plan, and adopted specific plans and other goals, objectives, and standards adopted by the City Council;
3. The land reserved shall be sized and shaped to permit non-reserved land area of the subdivision to develop in an orderly and efficient manner; and,
4. The land area reserved shall be suitable for the intended use and shall be planned in such a manner to permit an efficient division of the reserved area in case it is not acquired within the prescribed period.

B. The City Council shall have a period of one year after recording the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value of the land at the time of the filing of the preliminary subdivision plat plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

C. If the City does not exercise the reservation agreement set forth above within the one-year period or such extended period as may be mutually agreed upon by the City Council and the subdivider, the reservation of such area shall terminate.

11-20.40

Subdivision Procedures and Requirements

Sections:

- 11-20.40.010 Subdivision Procedures and Requirements
- 11-20.40.020 Pre-Application Meeting
- 11-20.40.030 Preliminary Plat
- 11-20.40.040 Final Plat
- 11-20.40.050 Master Block Plats
- 11-20.40.060 Modified Subdivision Process
- 11-20.40.070 Plat Amendments

11-20.40.010 Subdivision Procedures and Requirements

The preparation, submittal, review, and approval of all subdivisions located within the City limits shall proceed through the following progressive stages, except as otherwise provided in this Chapter:

- A. Pre-application meeting (Refer to Section 11-20.40.020).
- B. Preliminary plats submittal, review, and approval (Refer to Section 11-20.40.030).
- C. Submittal and approval of engineering plans for the required subdivision improvements.
- D. Final plat submittal, review and approval (Refer to Section 11-20.40.040).
- E. Recordation of approved final plat with the Coconino County Recorder.

11-20.40.020 Pre –Application Meeting

The applicant shall present their proposal and meet with the Director and City Engineer, or their designee, on an informal basis at a pre-application meeting. The applicant shall present a general outline of the subdivision proposal including sketch plans; proposed land uses; street and lot arrangement; lot sizes; and conceptual designs for water supply, sewage disposal, grading and drainage, traffic impacts, and street improvements. The Director and the City Engineer, or their designee, shall advise the applicant of specific standards and regulations related to the subject property, details regarding subdivision design and improvement standards, and general platting procedures and requirements.

11-20.40.030 Preliminary Plat

This section provides procedures for the review and approval of preliminary plats consistent with applicable law. The procedures established in this section shall apply to all proposals for preliminary plat. Requests for preliminary plat review shall only be made through the procedures described in this section.

A. Preliminary Plat Submission. The applicant shall electronically submit the following materials in support of a preliminary plat application for a new subdivision to the Director in accordance with the submittal deadlines and review schedule on file with the Planning & Development Services Section:

1. Completed preliminary plat application forms. If the subdivider is not the current landowner of all the subject real property, a signed and notarized statement shall also be filed attesting that the owner grants to the subdivider authority to represent the owner in this matter;
2. A non-refundable preliminary plat filing fee;
3. An ALTA survey that delineates all easements and encumbrances in graphic form completed within 6 months of the preliminary plat submittal;
4. Notice of Right to Appeal Exactions Owner Certification;
5. A Traffic Impact Analysis (TIA) as determined by the City Engineer or designee shall be submitted for review and approval by the City Engineer;
6. A Stormwater Analysis as determined by the Stormwater Manager shall be submitted for review and approval by the Stormwater Manager;
8. A request to the City Water Services Division to complete a water and/or sewer impact analysis shall be submitted prior to the application for a preliminary plat. The results and/or findings of the water and/or sewer impact analysis shall be submitted with the preliminary plat application;
9. A project narrative that provides project information, an analysis of conformance with the Zoning Code, Subdivision Standards, and the Engineering Design Standards and Specifications for New Infrastructure, a description of how utilities will be provided, a description of how stormwater will be managed, information on preliminary traffic impacts and improvements (including bicycles, pedestrian, and transit), phasing plans, requested modifications or variances, a description of how any conflicting land encumbrances will be extinguished, and known heritage resources;

10. Prior to the submittal of an application for preliminary plat, the applicant shall submit copies of letters written to the following agencies informing them of the intent to subdivide and to obtain the general requirements for public utilities and public dedications applicable to the subdivision:

- a. Appropriate public utilities;
- b. Cable television and communication companies;
- c. School districts;
- d. U.S.D.A. Natural Resource Conservation Service (NRCS);
- e. Coconino County Health Department (only if septic systems and/or wells are proposed);
- f. Arizona Department of Transportation (where land abuts a state right-of-way);
- g. Coconino County Flood Control District
- h. Coconino County Community Development (if adjacent to an unincorporated area); and
- i. Mountain Line or other public transit operator.

Written recommendations from the review agencies shall be submitted in conjunction with the preliminary plat application; and

11. Any request by the Director or City Engineer for additional information that is relevant to assist in the review of a preliminary plat. The Director and City Engineer may waive the requirements for any of the information required in this section if it is determined that such information is not necessary to complete a review of the requested preliminary plat.

B. Preliminary Plat Requirements. All preliminary plats shall contain the following information shown graphically or by note on plans which may comprise several sheets. The preliminary plat shall be drawn to a scale of not more than 1 inch = 100 feet. Preliminary plat sheets shall not exceed 24 inches by 36 inches in overall dimensions and shall have a left margin of two inches. All plats requiring more than one sheet shall have a cover sheet indicating the entire subdivision and the proposed sections to be found on the corresponding individual pages:

1. A title that includes notation as a preliminary plat, the proposed subdivision name and location by section, township, range, and county;

2. Legal description of property involved and County instrument number, Assessor's Parcel Number(s), and site address;
3. Name, address, and phone number of subdivider(s), firm preparing the plat, and current landowner(s), including docket/page number by which title was conveyed;
4. Bar scale, north arrow oriented to top, right or left of sheet, and dates of preparation and any revisions;
5. Location map with north arrow, scale, site location, and existing points of reference;
6. Complete and accurate legend;
7. Certification blocks (Arizona Registered Land Surveyor seal and Arizona Registered Professional Engineer stamp, if applicable);
8. Basis of bearing and record source;
9. Detailed description of monuments set and found;
10. Subdivision corners tied to two City control points;
11. Site acreage (gross and net);
12. Gross and net densities/intensities by lot or platted area in accordance with the provisions of City Code Title 10, Zoning Code, Chapter 10-40 (Specific to Zones);
13. Existing zoning classification(s) within the subdivision boundaries and on abutting properties within 200 feet;
14. A topographic map for the subject property and the land within 200 feet of the subject property with a minimum two-foot contour, or such other interval as approved by the Director. Direction of drainage flow shall be indicated;
15. Location of water wells, streams, ditches, washes, lakes, or other water features; direction of flow; 100-year flood plain; location and extent of areas subject to inundation, whether such inundation be frequent, periodic, or occasional, within the subdivision boundaries and 200 feet

beyond such boundaries. Also, the proposed location(s) of stormwater detention facilities shall be indicated;

16. Location, widths, and City approved names of all platted streets, bicycle and pedestrian facilities, railroads, utility rights-of-way of public record, and public areas within 200 feet of the proposed development;

17. Subdivided properties with common boundaries shall be indicated by subdivision name and Coconino County Recorder's office case and map number; if unsubdivided land, property owner and docket and page or instrument number shall be noted within 200 feet of the proposed subdivision;

18. All existing features, including but not limited to, bridges, buildings, culverts, structures, and driveway entrances within the subdivision boundaries and within 200 feet from such boundaries. Identify those which are to be removed and those to remain, and the date when any removals shall be completed. All proposed conditions shall be graphically differentiated from existing conditions on adjacent properties and on excepted tracts or parcels within the plat;

19. Location and description of proposed and existing utilities within the subdivision and within 200 feet of the proposed development. Locations of all above ground utility cabinets and facilities. Location of water and sewer mains with respect to property lines, easements and/or street center lines, with line sizes and valve locations shown. Reference by note the location and description of such utilities if not located within 200 feet of the proposed development;

20. The location of all existing and proposed fire hydrants within the subdivision;

21. Full dimensioned boundaries of the platted property (to 0.01') and bearings to 1 second, recorded and measured. Boundary survey shall be based upon field work;

22. Lot and tract dimension, bearings, and area (in square feet or acreage), with each lot and tract numbered individually and sequentially;

23. Designation of all land to be dedicated or reserved for public use with the use indicated and those areas that will be deeded to a homeowner's association;

24. Proposed street layouts shall include street names, widths, alleys, crosswalks, and connections to adjoining tracts or parcels including street grades, clear view zones and traffic control devices. Typical cross sections of all proposed streets shall be shown;

25. The location of vehicular non-access easements and non-typical building setbacks;
26. A typical maximum building envelope containing minimum building setbacks and maximum lot coverage permitted shall be noted on the plat. For lots with non-typical building envelopes, show and dimension building envelope boundaries and setbacks on each lot;
27. Approximate embankment and excavation quantities for the project;
28. The preliminary plat shall include a Natural Resources Protection Plan (if applicable) and data sheet meeting the requirements of City Code Title 10, Zoning Code, Division 10-50.90 (Resource Protection Standards). The Natural Resources Protection Plan shall include all areas within the boundaries of the subdivision and access and utility corridors to the site if proposed;
29. The preliminary plat shall include a Landscape Plan in accordance with City Code Title 10, Division 10-50.60 (Landscape Standards). The Landscape Plan shall include all areas within the boundaries of the subdivision and access and utility corridors to the site if proposed; and
30. A development phasing map and proposed timing schedule delineating the configuration, size in acres, and general sequence of development and dedication.

C. Proposed Utility Methods

1. It is the responsibility of the subdivider to furnish the Arizona Department of Environmental Quality (ADEQ) such information as ADEQ may require regarding the design and operation of the proposed sanitary sewage facilities.

a. A statement as to the types of facilities proposed shall appear on the preliminary plat application; and the subdivider shall show evidence of adequate volume and quality of proposed water supply and facilities to the satisfaction of the Water Services Director.

2. The preliminary plat submittal shall include preliminary calculations and a description of proposed stormwater disposal outlets to the satisfaction of the Water Services Director.

D. A preliminary plat submittal for a condominium subdivision shall include the following additional information as required by A.R.S. § 33-1219:

1. The location and dimension of the vertical boundaries of each unit and each unit's identifying number;
2. Any horizontal unit boundaries with reference to an established datum and each unit's identifying number;
3. Any units with respect to which the declarant has reserved the right to create additional units or common elements identified appropriately;
4. The location and dimensions of all real estate subject to the development right of withdrawal and identified as such;
5. The location and dimensions of all real estate in which the unit owner will only own an estate for years labeled as a "leasehold condominium";
6. The distance between contiguous parcels of real estate comprising the condominium;
7. The location and dimension of limited common elements (such as porches, balconies, patios, parking spaces, garage spaces, entryways, etc.);
8. The extent of any encroachments of any portion of the condominium;
9. To the extent feasible, the location and dimensions of all easements serving or burdening any portion of the condominium; and
10. Any units with respect to which the declarant has reserved the right to create additional units or common elements, identified appropriately.

E. Preliminary Plat Review and Approval. Any subdivision shall be designed to comply with the requirements of the specific zoning district within which it is located. Should a change in zoning be necessary due to the proposed use(s), an application for a Zoning Map Amendment must be initiated by the property owner or authorized representative concurrent with the preliminary plat application. (See City Code Title 10, Zoning Code, Division 10-20.50, Amendments to Zoning Code Text and the Zoning Map).

1. Staff Review. All applications shall be reviewed by staff for completeness. If the application is deemed incomplete as to the requirements set forth in this chapter, the submittal will be returned to the applicant for revision and resubmittal. Once the application has been deemed

administratively complete, staff will complete substantive review of the preliminary plat. If staff finds the plat requires major revision, the plat shall be returned to the applicant with specific revisions noted. During the substantive review period, the subdivider may only respond to comments provided by staff. All required modifications shall be called out and noted on the plat. Modifications made to the plat, not in response to staff comments, shall require the application to be resubmitted as a new application.

2. Staff Approval. The Director and City Engineer shall approve the application once the preliminary plat has been found in compliance with this chapter; City Code Title 10, Zoning Code; City Code Title 12, Floodplains; and City Code Title 13, Engineering Design Standards and Specifications for New Infrastructure. If the plat is generally acceptable but requires minor revision before proceeding with the preparation of the final plat a conditional approval may be granted with revisions being noted.

3. Denial of Preliminary Plat. If a preliminary plat application is denied by the Director and City Engineer, the reasons for such denial shall be provided in writing to the subdivider. The preliminary plat application can be re-filed at any time if revision can resolve the reasons for the denial as originally proposed. The new filing of a preliminary plat application for the same subject property, or any portion of the property, shall follow the procedures and requirements specified in this chapter.

4. Appeal of Preliminary Plat Decision. A decision of the Director and City Engineer may be appealed in compliance with the appeal procedures established in Section 11-20.130 Appeals.

5. Approval of Preliminary Plat by City Council. Any preliminary plat utilizing the Planned Residential Development standards established in City Code Title 10, Flagstaff Zoning Code Section 10.40.60.280 or modifications to City Code Title 13, Engineering Design Standards and Specifications for New Infrastructure shall be approved by City Council prior to submission of civil improvement plans.

F. Significance of Preliminary Plat Approval. Preliminary plat approval by the Director and City Engineer constitutes authorization for the subdivider to proceed with preparation of the final plat and engineering plans and specifications. Preliminary plat approval is subject to the following conditions:

1. The conditions under which approval of the preliminary plat is granted will not be changed prior to the expiration date;

2. The preliminary plat is valid for a period of two years from the date of approval; thereafter, such approval shall be deemed to have expired;
3. Preliminary plat approval may, upon written application to the Director by the subdivider, be extended for an additional one year if, in the opinion of the Director, there is no change in conditions within or adjoining the preliminary plat which could warrant a revision of the original preliminary plat;
4. If preliminary plat approval expires prior to application for final approval, the plat shall be resubmitted for preliminary approval as a new case and the subdivider shall be required to pay a new fee;
5. A preliminary plat may not be recorded; and
6. Preliminary plat approval does not constitute approval to clear, grade, remove trees, or perform other land or construction activity. A separate permit as determined by the Engineering Division shall be obtained prior to the initiation of any of the above listed activities.

11-20.40.040 Final Plat

This section provides procedures for the review and approval of final plats consistent with applicable law. The procedures established in this section shall apply to all proposals for final plat. Requests for final plat review shall only be made through the procedures described in this section.

- A. Final Plat Submission. A final plat application will only be accepted upon approval of a preliminary plat and approval from the City Engineer that the engineering plans have been reviewed and major substantive comments have been resolved. The subdivider shall submit the following materials in support of a final plat application for a new subdivision to the Director in accordance with the submittal deadlines and review schedule on file with the Planning & Development Services Section:
 1. Completed final plat application form. If the subdivider is not the current landowner of all the subject real property, a signed and notarized statement shall also be filed attesting that the owner grants to the subdivider authority to represent the owner in this matter;
 2. The required number of paper copies of the final plat, as specified in the handout available from the Planning Section, reproduced as blue or black line prints on a white background;

2. A non-refundable final plat filing fee;

3. A closure report signed and sealed by a registered surveyor that indicates the boundary of the platted property to have a mathematical closure of not less than 0.01 feet;

4. Legal descriptions and landowner approvals for all dedications required to serve the proposed development outside of the subdivision boundaries in accordance with the approved preliminary plat, civil plans, or as otherwise required through other approvals or agreements;

5. A registered surveyor shall provide a signed and sealed certification that there are no conflicting encumbrances;

6. The Director may request any other information that is relevant to assist in the review of a final plat. The Director may waive the requirements for any of the information required in this section if it is determined that such information is not necessary to complete a review of the requested final plat; and

7. Upon approval of the final plat application, the subdivider shall submit to the Director the following, which shall be dated upon receipt:

- a. One opaque Mylar copy of the final plat for recordation including utility companies' signatures and dates, and property owners signatures and dates;
- b. An electronic copy of the final plat, provided in a format determined by the City Engineer; and
- c. Executed Assurance of Performance Agreement.

B. Final Plat Requirements. The final plat shall substantially conform at the discretion of the Director and City Engineer to the approved preliminary plat, and shall be in compliance with all City standards, codes, specifications, and requirements. All final plats shall contain the following information shown graphically or by note on plans which may comprise several sheets. The final plat shall be drawn to a scale of not more than 1 inch = 100 feet with a font size no less than 10 points. Final plat sheets shall not exceed 24 inches by 36 inches in overall dimensions and shall have a left margin of two inches. All plats requiring more than one sheet shall have a cover sheet indicating the entire subdivision and the proposed sections to be found on the corresponding individual pages:

1. A title that includes notation as a final plat, the name of the subdivision, and location by section, township, range, and county;
2. Legal description of property involved and County instrument number, Assessor's Parcel Number(s), and site address;
3. Name and address of subdivider (record owner), and name, address, registration number, and seal of the registered land surveyor and civil engineer responsible for preparing the plat;
5. Bar scale, north arrow oriented to top, right or left of sheet, and date of plat preparation;
6. Location map with north arrow, scale, site location, and existing points of reference;
7. Complete and accurate legend;
8. Certification blocks (Arizona Registered Land Surveyor seal and Arizona Register Professional Engineer stamp, if applicable);
9. Approval block for all utilities;
10. Basis of bearing and record sources;
11. Detailed description of monuments set and found;
12. Subdivision corners tied to two City control points;
13. Any excepted parcel or parcels within the plat boundaries shall be accurately described by bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed to 0.01' and bearings to 1second;
14. Names, centerlines, right-of-way lines, courses, lengths, and widths of all public streets, alleys, public trails, and easements to be dedicated. Points of tangency of all curvilinear streets and alleys shall be shown. Curve data shall include radius, length, central angle, and radial bearings (or chord bearing and chord length) on non-tangent curves;
15. Location, dimensions, and area (square feet or acres) of all lots and tracts shall be shown. Lot dimensions and appropriate bearings shall be indicated for all lot lines. In areas subject to flooding,

minimum finished first floor elevations shall be shown as may be recommended by the appropriate authority;

16. All lots shall be numbered consecutively throughout the plat. Parcels or tracts for affordable housing, school sites, parks, open space areas, or other public uses shall be so designated, lettered, or named, and clearly dimensioned;

17. The accurate outline of all property which is offered for dedication for public use and of all property that may be reserved for the common use of the property owners in the subdivision shall be shown;

18. Subdivision name, case number, and map number of adjacent recorded subdivisions, with location of existing adjacent lots, easements, and rights-of-way shown, or docket and page or instrument number, where appropriate. All proposed conditions shall be graphically differentiated from existing conditions on adjacent properties and on excepted parcels within the plat;

19. The following notation shall be placed upon all final plats for public utility easements: "Except for construction and improvements by governmental entities and certified public utilities, construction and improvements within utility easements shall be limited to the following:

- a. Removable wood, wire, or sectional fencing generally positioned perpendicular to the easement and approved by the City Engineer; and,
- b. Construction, structures, or buildings expressly approved in writing by all public utilities and the City Engineer which use or shall use the utility easement";

20. Statement and acknowledgment of the dedication of all streets, alleys, drainageways, utility easements, crosswalks, bike paths, pedestrian ways, including but not limited to sidewalks, crosswalks and trails, and other easements for public use by the persons holding title of record, by persons holding title as vendees under land contract, and by spouses of said parties, if jointly owned. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedications shall include a written location by section, township, and range of the tract. If the plat contains private streets, provisions should be made so that the public utilities reserve the right to install and maintain utilities above, on, and below such private streets or ways;

21. The following certifications must be included on the final plat in the form as determined by the Director:

- a. Certification by a registered land surveyor that the plat is correct and accurate, and that the monuments described in it have been located as described;
- b. Certification of plat approval by the City Engineer;
- c. Certification of plat approval by the Director;

22. The location of appropriate vehicular non-access restrictions as well as intersection clear view zones if located on a lot(s) shall be included on the plat;

23. Avigation easement if appropriate;

24. A typical maximum construction envelope containing minimum building setbacks and maximum permitted lot coverage shall be shown on the plat. Dimensioned non-typical construction envelopes shall be shown on the individual lots which are affected;

25. Floodplain limits and the following text when applicable: "Lots _____ have been identified as being partially or wholly within a flood hazard area per F.I.R.M. Map _____, revision date _____. Because flood hazard boundaries may be revised periodically, the most recent flood hazard map for this area should be reviewed to determine the exact limits and severity of potential flooding on these lots. Flood hazard maps and requirements for construction within flood hazard areas can be obtained from the City of Flagstaff";

26. Subdivisions that are associated with a rezoning ordinance shall identify the ordinance number and the instrument number of the recorded ordinance on the plat; and

28. A final plat submittal for a condominium subdivision shall also include the additional information as required by Section 11-20.60.020, Preliminary Plat Requirements.

C. Dedications. A statement of dedication of all streets, alleys, drainageways, pedestrian ways, and other easements for public use by the subdivider shall be provided with the final plat submittal. Standard dedication language is kept on file with the Planning & Development Services Section. This language shall be utilized on all final plats unless alternative language is approved by the Director and

City Engineer. If lands to be dedicated are mortgaged, the mortgagee shall sign the plat and required dedications.

1. City Council Acceptance of Dedications. All public land dedications and all lands dedicated for maintenance by the City must be accepted by the City Council prior to recordation of the final plat. All lands to be dedicated to the City that are not included in the plat boundaries require a separate instrument (warranty deed) to be recorded with the final plat. If the plat contains private streets, public access and utility easements shall be provided.

2. Abandonment of Dedications. Where there are temporary easements, landscaped easements and/or utility easements that are to be vacated (removing any City interest in the easement) they can be shown on the plat and described as such. A roadway right-of-way or easement can be shown for abandonment on the plat or replat only if the requirements of State law are met concurrently with City Council approval.

3. Acknowledgement of Dedication. Execution of dedication acknowledged and certified by a notary public.

D. Final Plat Review and Approval. Any subdivision shall be designed to comply with the requirements of the specific zoning district within which it is located. Should a change in zoning be necessary due to the proposed use(s), an application for a Zoning Map Amendment must be initiated by the property owner or authorized representative, and then reviewed and acted upon by the Planning Commission and City Council prior to submittal of a final plat. (See City Code Title 10, Zoning Code, Division 10-20.50, Amendments to Zoning Code Text and the Zoning Map).

1. Staff Review. All applications shall be reviewed by staff for completeness. If the application is deemed incomplete as to the requirements set forth in this chapter, the submittal will be returned to the applicant for revision and resubmittal. Once the application has been deemed administratively complete, staff will complete substantive review of the final plat. If staff finds that the plat requires revision, the plat shall be returned to the applicant with specific revisions noted. During the substantive review period, the subdivider may only respond to comments provided by staff. All required modifications shall be called out and noted on the plat. Modifications made to the plat, not in response to staff comments, shall require the application to be resubmitted as a new application.

2. Staff Approval. The Director and City Engineer shall approve the application once the final plat has been found in compliance with this chapter; City Code Title 10, Zoning Code; City Code Title 12 Floodplains; and City Code Title 13, Engineering Design Standards and Specifications for New Infrastructure.

3. Denial of Final Plat. If a final plat application is denied by the Director and City Engineer, the reasons for such denial shall be provided in writing to the subdivider. The final plat application can be re-filed at any time if revision can resolve the reason for the denial as originally proposed. The new filing of a final plat application for the same subject property, or any portion of the property, shall follow the procedures and requirements specified in this chapter; and

4. Appeal of Final Plat Decision. A decision of the Director and City Engineer may be appealed in compliance with the appeal procedures established in Section 11-20.130 Appeals.

E. Recordation. Final plats shall not be recorded until the following requirements have been satisfied:

1. Engineering plans for water, public sanitary sewer facilities, grading, and all other improvements have been approved by the City Engineer;

2. All public dedications have been accepted by the City Council; and

3. The subdivider has posted the required assurance of performance and/or third party trust and the City Engineer has fully executed the Subdivider Performance Agreement and/or third party trust agreement as set forth in City Code Title 10, Zoning Code, Division 10-20.100, Assurance of Performance for Construction, to guarantee the installation of required improvements. If applicable, the third party trust agreement shall be recorded by the City Clerk along with the final plat.

4. The City Clerk shall be responsible for recording all plats with the Coconino County Recorder's office.

11-20.40.050 Master Block Plats

A master block plat is a comprehensive master subdivision to assist with the development of a large or complicated land area, which may be developed in progressive steps.

A. A master block plat is required when:

1. The subject property is proposed to be subdivided in stages, phases, or units; or,
2. The subject property proposed is part of a larger land area that has unusual topographic, utility, land use, or other conditions. The larger land area may or may not be under the subdivider's control; or,
3. The subdivider is intending to manage required resource preservation or open space requirements throughout a larger land holding with individual subdivisions or developments; or
4. The subject property initially proposed for platting is a larger land holding of the subdivider that is intended to be subdivided or developed separately; or,
5. The subject property is located within two or more zoning districts with different land uses.

B. The master block plat shall be prepared in accordance with the provisions of this chapter for preliminary and final plat. The master block plat may also include the following as determined by the Director and City Engineer:

1. A development phasing map and proposed timing schedule delineating the configuration, size in acres, and general sequence of development and dedication;
2. General street pattern with particular attention to collector streets and future circulation throughout the larger land area, and proposed traffic impacts and access plan;
3. General location and size of school sites, parks, or other public areas;
4. Location of proposed land uses;
5. Methods proposed for sewage disposal, water supply, and storm drainage, and their general layout;
6. Identification of the proposed phases of development, and the anticipated time frame for such development;

7. General location of all natural resources and environmental constraints including but not limited to forests, floodplains, and steep slopes which will be affected by the proposed subdivision;

8. General location of natural resources to be protected; and,

9. Pedestrian/bicycle circulation infrastructure.

11-20.40.060 Modified Subdivision Process

A modified subdivision process applies to subdivisions where a maximum of ten lots are proposed.

A. Modified Subdivision Process. The requirement for review of a preliminary plat may be waived at the request of the subdivider when the proposed subdivision contains 10 or fewer lots. The review and approval of these subdivisions includes the following progressive stages:

1. Pre-application meeting (Refer to Section 11-20.40.020);
2. Submittal and approval of engineering plans for the required subdivision improvements;
3. Final plat submittal, review, and approval (Refer to Section 11-20.40.040); and
4. Recordation of approved Final Plat with the Coconino County Recorder.

11-20.40.070 Plat Amendments

A. Replat. Any material change to a recorded subdivision plat as determined by the Director and City Engineer, that causes a fundamental change in the overall function of the plat, including but not limited to removing or adding recorded covenants, restrictions (including plat notes), or dedications, requires the plat be re-recorded. All the procedures for a final plat shall be applicable except that replats that change development standards as part of a Planned Residential Development require the approval of City Council. A replat requires the approval (written consent) of all impacted lot owners within the subdivision boundaries as determined by the Director and City Engineer. For example, changes to common covenants, restrictions, or dedications presumptively impact all owners within the subdivision.

B. Certificate of Correction. The Director and City Engineer may approve minor amendments to a recorded subdivision plat without replating the subdivision plat, through a Certificate of Correction.

1. Allowable minor change items include the following:

- a. Engineering Errors. Change is due to an obvious error or omission in the preparation of the final plat and not a design error or does not change or relocate any parcel or easement boundary or line or change the legal description or the land area which is included in the subdivision.
- b. Name change, including but not limited to change in the names of subdivisions, streets, or places.

2. The Certificate of Correction shall include the following information:

- a. The corrections and/or changes requested;
- b. The date the plat was recorded;
- c. The instrument number of the plat which is to be modified;
- d. Written consent to the correction by the current owners of record of all the property affected by the correction; and
- e. Signature lines for approval by the Director and City Engineer.

3. The Certificate of Correction shall be recorded prior to any act on the changes.

Sections:

- 11-20.50.010 Purpose and Intent
- 11-20.50.020 Land Split Procedures and Requirements
- 11-20.50.030 Pre-Application Conference
- 11-20.50.040 Land Split or Combination Applications

11-20.50.010 Purpose and Intent

The purpose of these regulations is:

- A. To provide for the partitioning of land into two or three lots, tracts or parcels of land or the combination of lots, tracts or parcels through a process that is more expeditious than the subdivision process;
- B. To assure that the proposed parcels are in conformance with the City's development standards;
- C. To obtain accurate surveying and permanent public record of the separate interests created and conveyed by the division of lands; and,
- D. To assure adequate access and to provide a coordinated street system.

11-20.50.020 Land Split or Combination Procedures and Requirements

The preparation, submittal, review, and approval of all land splits or combinations located within the City limits shall proceed through the following progressive stages, except as otherwise provided in this chapter:

- A. Optional pre-application meeting with the Director;
- B. Submittal by the subdivider, and review and approval of the land split or combination application and map by the Director; and
- C. Recordation of the approved land split or combination map and associated legal description with the Coconino County Recorder's office.

11-20.50.030 Pre-Application Meeting

- A. The pre-application meeting stage of land split or combination review is an optional investigatory period preceding the preparation and submittal of the land split or combination application by the

subdivider. The subdivider shall initially present the land split or combination proposal to the Director who shall advise the subdivider of specific public objectives, standards, and regulations related to the property and the procedure for land split or combination review.

B. An application for land split or combination approval shall include a sketch plan of the proposed land split or combination so that the Director can determine whether the approval process authorized by this Division can and should be utilized. The Director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the Coconino County Assessor's Map showing the land being divided and all lots or parcels previously divided from that tract of land and all contiguous land under the same ownership 15 years prior to December 16, 2010, the effective date of these regulations.

11-20.50.040 Land Split and Combination Applications

A. Application Submittal:

1. All land split or combination applications shall include the following materials:
 - a. The required number of copies of the land split or combination map reproduced in the form of blue or black line prints on a white background, or suitable copies showing the proposed Land split or combination, existing conditions including the location of all structures, and anticipated setbacks from existing and proposed property lines;
 - b. Any information required as part of the land split or combination submittal shall be shown graphically, or by note, or by letter, or in combination on the plans, and may if necessary comprise several sheets showing various elements of the required data. All mapped data for the same map shall be drawn at the same engineering scale; said scale not to be greater than 100 feet to an inch;
 - c. A completed land split or combination application form;
 - d. Legal description in a form approved by the Coconino County Recorder's office;
 - e. A non-refundable land split or combination application fee; and
 - f. Complete contact information for the subdivider.

2. All submittals shall be checked by the Director for completeness. If the application is determined to be incomplete, the submittal may be rejected and returned to the applicant for revision and resubmittal.

B. Application Approval Standards:

1. All land split or combination applications shall be designed to comply with the requirements of the specific zoning district within which it is located, including minimum lot area, lot depth, lot width and minimum access requirements.

2. No lot or parcel shall be divided in such a way that any division contains more dwelling units than are permitted by the zoning regulations in the district in which the lot or parcel is situated.

3. Water and sewer services shall be provided to the frontage of each lot in areas served by the City of Flagstaff. Water or sewer services and/or yard lines shall not cross any other parcel.

C. Process for Approval.

1. The subdivider shall submit all the documents, information, data, and other requirements for approval of a land split or combination to the Director. The subdivider shall also furnish to the Director any additional information and materials relevant to the application that are reasonably believed to be necessary for the Director to evaluate, analyze, or understand the subject matter of the application, and to ensure compliance with the requirements of this division. Compliance shall be determined by the Director.

2. The procedures for approval, modification, or denial of land split or combination applications shall be as follows:

a. The Director shall approve or disapprove applications for land splits or combinations pursuant to the provisions of this Division and shall ensure compliance with any applicable conditions of approval.

b. A subdivider may appeal a final action of the Director to the Planning Commission in accordance with Division 11-20.180, Appeals, of this Chapter.

11-20.60

Boundary Adjustments

Sections:

11-20.60.010 Boundary Adjustments

11-20.60.010 Boundary Adjustments

A. When a common lot line between two adjoining parcels requires adjustment, the submittal requirements and procedures for a land split provided in Division 11-20.100, Land Splits or Combinations, shall be followed for review and approval by the Director.

B. In addition to the submittal requirements for a land split or combinations established in Section 11-20.100.040, Land Split and Combination Applications, the written consent of all owners of the real property associated with the proposed boundary adjustment shall be submitted.

11-20.70

Subdivision Design Standards and Requirements

Sections:

- 11-20.70.010 In General
- 11-20.70.020 Lot Design
- 11-20.70.030 Street Design
- 11-20.70.040 Alley and Easement Design
- 11-20.70.050 Block Design

11-20.70.010 In General

Except where expressly modified by the City Council, each subdivision plat shall be in conformity with the standards set forth or referred to in this chapter and the Engineering Standards.

- A. All lots or parcels created by the subdivision of land shall have their own frontage to a public or private street. Public and private streets shall be designed and improved to public street standards in accordance with the street design standards provided in Section 11-20.120.030, Street Design, and the Engineering Standards.
- B. Driveways shall be designed in accordance with the standards established in the Engineering Standards and City Code, Title 4, Section 4-01-001-0005, Amendments.
- C. The site planning standards provided in City Code, Title 10, Zoning Code, Division 10-30.60, Site Planning Design Standards, shall also be applied to the maximum extent feasible to the design of all new subdivisions.

11-20.70.020 Lot Design

A. The size, shape, and orientation of lots in the subdivision shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. Lot width, depth, frontage, area and building setbacks shall comply with the minimum requirements of the Zoning Code (Title 10 of the City Code) 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. Where steep topography, unusual soil conditions or drainage problems exist or prevail, special lot width, depth and area standards may be considered. Innovative development approaches, such as clustered or planned development, should be explored in the interest of producing unique, environmentally-sensitive projects. Refer to City Code Title 10, Zoning Code, Section 10-40.60.250, Planned Residential Development.

B. No remnants of property shall be left in the subdivision that does not conform to lot requirements, unless required for a private utility or public purpose.

C. All subdivisions shall result in the creation of lots which are capable of being lawfully built upon. Except for parcels or tracts to be maintained as open space, no subdivision shall create lots which are physically unsuitable for improvement due to size or shape, steepness of terrain, location of water courses, problems of sewage or driveway grades, or other natural physical conditions.

D. Lots having double frontage shall be avoided except where necessary to provide separation of residential development from traffic arterials, to provide ingress and egress in commercial or industrial subdivisions, or to overcome specific disadvantages of topography and orientation.

E. Corner lots may be required to be wider than interior lots to provide for setback requirements.

F. Lot lines shall be located on or near the crest of ridges to preclude prominent line of sight building construction. Where feasible, the buildable area of a lot (i.e. the area within the setbacks) shall not be located on or near the crest of ridge lines.

G. The construction envelope on a lot shall be determined by the setback requirements for the lot and the location of natural topographic features such as watercourses, rock outcrops, native vegetation and trees. The Director may, upon application by the property owner, modify the construction envelope for an individual lot as shown on the final plat, provided that:

1. The revised construction envelope is equally as sensitive to the natural conditions as the original construction envelope;
2. The area of the construction envelope is not enlarged; and,
3. Setback requirements are not amended.

11-20.70.030 Street Design

A. The minimum requirements for street design are established in the Engineering Standards.

B. Standard utility locations shall comply with the Engineering Standards.

C. Local streets shall be designed to promote connectivity by creating a comprehensive grid-like network of vehicular and pedestrian connections to provide diversity of route choices between the

proposed subdivision and existing streets and pedestrian routes, unless topographic conditions preclude such connectivity.

D. Names of streets should be consistent with the natural alignments and extensions of existing streets and the City's Address Policy. New street names should not duplicate, in whole or in part, or be confused with existing names.

E. Local circulation systems and land development patterns shall be designed so that multiple modes of transportation shall be considered and that the efficiency of bordering arterial routes is maintained.

F. Proposed streets, as designated by the City, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands. The street pattern in the subdivision shall not land lock adjacent property nor prevent access to public land.

G. The functional classification of streets shall be assigned by the City.

H. Whenever a tract to be subdivided includes any part of a street designated in an adopted General Plan, the street shall be platted in conformance with the General Plan.

I. Whenever a tract to be subdivided is located within an area for which a development master plan has been approved by the Planning Commission, the street arrangement shall conform substantially to this plan.

J. Streets shall be designed in relation to existing topography to produce streets of reasonable gradient to facilitate adequate drainage and to produce desirable lots of maximum utility. Where feasible, streets shall be placed along the top of ridges to minimize the extent of grading and reduce the visual impact of development.

K. Boundary streets (half streets) shall be discouraged except where necessary to provide right-of-way required by the General Plan, to complete a street pattern already begun or to insure reasonable development of a number of adjoining parcels. Where a platted half street abuts the tract to be subdivided, the remaining half shall usually be platted within the tract.

11-20.70.040 Alley, Lane, and Easement Design

A. Alleys and lanes shall be designed and constructed in accordance with City regulations and standards.

B. Easements shall be provided and dedicated where deemed necessary for specific purposes for use by the general public, corporations, or the City of Flagstaff. Easements necessary to assure non-motorized access to adjacent public lands shall be provided to the satisfaction of the Director. Such easement shall not prevent the reasonable improvement of any development. Pedestrian, bicycle and equestrian ways may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Pedestrian ways may be used for utility purposes.

C. A non-vehicular access restriction prohibiting vehicular access from the collector or arterial street side of a double frontage or corner residential lot is required, except in Traditional Neighborhood developments approved as part of a Traditional Neighborhood Community Plan (See City Code Title 10, Zoning Code, Division 10-30.80, Traditional Neighborhood Community Plans).

D. The subdivider shall dedicate a right-of-way or easement for storm drainage conforming substantially to the line of any watercourse that traverses the land; or at the option of the City, the subdivider shall provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and stormwater, upon the direction of the City Engineer.

11-20.70.050 Block Design

A. Blocks in non-transect zones shall not normally exceed 1,200 feet in length measured from the property lines, except in hillside developments or where a subdivision of one-half acre lots or larger justify or require a variation from this requirement, or where there are unusual conditions of the property being subdivided.

B. Blocks shall normally have sufficient width for an ultimate layout of two tiers of sized in accordance with the minimum requirements of the zoning district in which the subdivision is proposed. See City Code Title 10, Zoning Code, Chapter 10-40, Specific to Zones.

C. Blocks shall not normally be less than 400 feet in length (measured from the property lines), except where it is necessary due to unusual conditions of the property being subdivided and not merely convenience.

D. The standards provided in Sections 11-20.120.050A through C shall not apply in new traditional neighborhood developments approved under the provisions of City Code Title 10, Zoning Code, Division 10-30.80, Traditional Neighborhood Community Plans.

11-20.80

Minimum Required Subdivision Improvements

Sections:

11-20.80.010 In General

11-20.80.020 Minimum Improvements Required

11-20.80.010 In General

A. It shall be the responsibility of the subdivider to improve all streets, pedestrian ways, alleys and easements in the subdivision and adjacent to it as required to serve the subdivision. No permanent improvement work shall be commenced until improvement plans have been approved by the City Engineer. Improvements shall be installed to the permanent line and grade and to the satisfaction of the City Engineer, and in accordance with the standard subdivision specifications of the City of Flagstaff. The cost of the inspection shall be paid by the subdivider.

B. For subdivisions that will be platted and developed in more than a single phase, the final plat and assurance of performance for improvements shall represent only the limits of each individual phase proposed for development. Each phase of a subdivision shall have improvements designed to be fully operational and functional in perpetuity without reliance on the development of future phases. Construction plans submitted for approval shall not represent multiple phases and shall depict only the design of improvements necessary to make an individual phase operational and functional.

11-20.80.020 Minimum Improvements Required

A. The minimum requirements for public improvements for new subdivisions are provided in City Code Title 10, Zoning Code, Division 10-30.50 (Public Improvements).

**11-20.90
Modifications**

Sections:

11-20.90.010 Modifications

11-20.90.010 Modifications

A. Where, in the opinion of the City Council, there exists extraordinary conditions of topography, land ownership, or adjacent development, or other circumstances not provided for in these regulations, the City Council may modify the provisions of this Title in such a manner and to such extent as it may deem appropriate to the public interest. The burden of proof for City Council determination of a modification rests with the subdivider. The written request for modification shall be made to the Director and shall be submitted to the City Council after review and recommendation by the Planning Commission.

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

11-20.100

Reversion to Acreage

Sections:

11-20.100.010 Purpose

11-20.100.020 Reversion Application Required

11-20.100.030 Action by the Planning Commission

11-20.100.040 Action by the City Council

11-20.100.050 Recording of Survey

11-20.100.010 Purpose

This division establishes the procedures for the reversion to acreage of any subdivided lands upon approval by the City Council.

11-20.100.020 Reversion Application Required

To initiate a reversion to acreage, an application for reversion must be filed with the Director. All applications for reversion to acreage shall be submitted to the Director in writing on a form prescribed by the City. The application shall include the information and materials specified in the checklist for reversion to acreage, together with the required fee established in City Code Title 10, Zoning Code, Appendix 2, Planning Fee Schedule. Upon receipt of an application for reversion to acreage, the Director shall conduct an investigation and prepare a report for presentation to the Planning Commission at a public meeting.

11-20.100.030 Action by the Planning Commission

The Planning Commission shall conduct a public meeting on an application for reversion to acreage in accordance with the Review Schedule on file with the Planning Section. Upon completion of the hearing, the Planning Commission shall recommend that the City Council approve, approve in modified form, or deny the application. Any action to recommend approval shall be based on all of the following findings:

- A. That the subdivided lands to revert to acreage are under one ownership entity;
- B. That no immediate use of such subdivided lands as they were intended appears imminent;
- C. That such reversion to acreage will not be detrimental to the general welfare of the public.

11-20.100.040 Action by the City Council

Upon receipt of a recommendation from the Planning Commission, the City Council shall conduct a public meeting on an application for reversion to acreage. The City Council shall approve, approve in modified form, or deny the application. Any action to approve shall be based on all of the findings set forth in Section 11-20.150.030, Action by Planning Commission.

11-20.100.050 Recording of Survey

The applicant shall record with the County Recorder a survey of all lands approved for reversion to acreage prepared by a surveyor or engineer licensed by the State of Arizona and a copy of the abandonment of subdivision filed with the Arizona Department of Real Estate.

11-20.110

Abandonment or Vacation of Public Right-of-Way

Sections:

- 11-20.110.010 Purpose
- 11-20.110.020 Procedures
- 11-20.110.030 Submittal Requirements
- 11-20.110.040 Effective Date

11-20.110.010 Purpose

The purpose of this division is to provide procedures for the abandonment or vacation of public rights-of-way or portions thereof (including streets, alleys, or public access easements).

11-20.110.020 Procedures

A. Initiation. The abandonment or vacation of public right-of-way may be initiated by the City Council, the City Manager or the City Engineer, as well as any property owner who owns land adjoining the public right-of-way contemplated for abandonment or vacation.

B. Process.

1. The processing procedure for a written request for abandonment or vacation by the City Engineer shall include:

- a. The written request for abandonment or vacation shall be checked for compliance with required submittal information;
- b. A location map of the area proposed to be abandoned or vacated showing abutting properties and a vicinity map, if necessary; and,
- c. A memorandum stating the reasons for requested abandonment or vacation.

2. The memorandum and map of the requested abandonment or vacation of public right-of-way shall be forwarded to all public utility companies, City divisions and agencies serving the proposed area to be abandoned or vacated to request their review and comments.

3. For public rights-of-way, including roadways as defined in A.R.S. § 28-7201, notice shall be provided in the manner specified in A.R.S. § 28-20, Article 8, Disposition of Public Roadways.

C. Staff Report. The City Engineer in consultation with the Water Services Director and Public Works Director shall prepare and transmit a staff report to the City Council. The report shall include an evaluation of the consistency of the proposed vacation or abandonment with the General Plan, Zoning Code, any applicable Specific Plan, and all applicable Water Services and Public Works Division standards. The staff report shall also provide an analysis and recommendation. A copy of the staff report shall be made available to the public and affected parties prior to the public hearing.

D. Action by the City Council. Upon receipt of a recommendation from the Planning Commission, the City Council shall conduct a public hearing. Upon completion of this hearing, the City Council shall approve, approve in modified form, or deny the application. Approval shall be by resolution.

E. Recordation. The City Clerk shall record the final vacation resolution with the office of the Coconino County Recorder.

11-20.110.030 Submittal Requirements

All applications for the vacation of public streets or easements shall be submitted to the City Engineer in writing on a form prescribed by the City. The application shall include the information and materials specified in the checklist for the Abandonment of Public Rights-of-Way, together with the required fee established in City Code Title 10, Zoning Code, Appendix 2, Planning Fee Schedule.

11-20.110.040 Effective Date

The effective date of vacation of streets and easements is the date of City Council approval.

11-20.110.050 Appeals

Decisions of the City Council on the vacation of streets and easements are final.

11-20.120

Violations

Sections:

11-20.120.010 Violations

11-20.120.010 Violations

A. It shall be a Class 1 misdemeanor to achieve or attempt to achieve a land split or combination or to establish or attempt to establish a subdivision of any land within the City of Flagstaff without first having obtained the approval of the City Council or Director as required by this Chapter.

B. It shall be a Class 1 misdemeanor to record or attempt to record a subdivision plat or land spit or combination map with the Coconino County Recorder if such plat or map includes any land within the City and such plat or map has not been given approval by the City Council or Director, or the necessary certifications and signatures of approval have not been obtained as required by this Chapter.

11-20.130

Appeals

Sections:

11-20.130.010 Appeals

11-20.130.010 Appeals

The following appeal procedures shall be utilized by all parties.

A. Appeal of a decision by the Director.

1. During the course of boundary adjustment land split/combination, preliminary plat, final plat and Master Block Plat preparation and review, a decision of the Director may be appealed to the Planning Commission within ten days of such decision.

a. The appeal shall be filed with the Director on a form prescribed for this purpose provided by the City describing the reason(s) for, and details of, the appeal.

b. The appeal shall be acted upon by the Planning Commission within 45 days of the date upon which the appeal is filed, unless circumstances beyond the control of the Planning Commission require a longer review period.

(1) In this case, the Director shall notify the appellant when the appeal will be heard by the Planning Commission, but in no case shall the review period be longer than 60 days from the date the appeal is filed with the City.

2. If the issues are not reconciled by the Planning Commission, the City Council shall hear, review, and decide upon the appeal as outlined in Subsection "B" below.

3. The findings of the City Council shall be incorporated into the plat or map and, if found necessary by the City Council, the plat or map shall be resubmitted for review by the Director, to assure conformity to the City Council's decisions and other requirements.

B. Appeal of Planning Commission

1. Decisions reached by the Planning Commission during the course of preliminary plat review, and appeals of a decision of the Director as described in Section 11-20.180.010A, may be appealed to the City Council. An appeal shall be filed within ten days of such decision with the Director. The City Council shall act upon the appeal within 45 days of the date upon which the appeal was filed with the Director, unless circumstances beyond the control of the City Council require a longer review period. In this case, the Director shall notify the appellant when the appeal will be heard by the City Council, but in no case shall the review period be longer than 60 days from the date the appeal is filed with the City.