

TOWN OF TAYLOR

REVISED

SUBDIVISION REGULATIONS

REVIEWED BY
PLANNING AND ZONING COMMISSION

APPROVED BY
TAYLOR TOWN COUNCIL
NOVEMBER 28, 2007

SUBDIVISION REGULATIONS

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CHAPTER 1

ADMINISTRATIVE AND GENERAL PROVISIONS

SECTION:

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1-1: AUTHORITY:

- A. Statutory Provisions: Provisions of this Chapter are supplemental to those of Arizona Revised Statutes, section 9-463 et seq., as amended, as the same now exists or may hereafter be amended.
- B. Land Subject To Provisions: Any land in the incorporated territory of the Town of Taylor coming within the definition of a subdivision as herein set forth shall be subject to all of the provisions of this Chapter.
- C. Intent: The intent of these chapters is to provide for the orderly growth and harmonious development of the Town of Taylor; to secure adequate traffic circulation through properties having optimum utility distribution, drainage and flood control, sanitary sewerage and other health requirements; to ensure and facilitate provision of sites for schools, recreation and other public purposes; to promote conveyance of land by accurate legal description; and to establish procedures which will achieve these intents on a basis of mutual understanding and equitable relationships between public and private interests.

1-2: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

ASPHALT: A material made from bituminous materials and aggregates. See specifications in office of the Public Works Director.

ATTORNEY: The attorney or legal representative for the Town of Taylor.

CONCRETE: A material made from Portland cement and natural or manufactured aggregate. See specifications in the office of the Public Works Director.

EASEMENT: A grant by the owner for the use of land for specific conditions, uses and/or purposes.

HUNDRED (100) -YEAR FLOOD: A flood that has a one percent (1%) chance of occurring during any one-year, based upon criteria established by the Arizona Department of Water Resources. All hydrologic design shall be in conformance with the current Arizona Department of Transportation hydrologic design procedures.

HEALTH OFFICER: The Health Officer of Navajo County.

IMPROVEMENT: Such street work, sidewalks, utilities and flood-control devices on the land to be used for public or private streets, highways and easements, as are necessary for the general use of the residents in the subdivision and local neighborhood traffic and drainage needs.

LAND SPLITS: The division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land for the purpose of sale, financing or lease. Referred to as Minor Land Divisions in this Regulation.

PERSON: Any of the following, either singly or combinations thereof, of individuals, firms, co-partnerships, joint ventures, associations, clubs, social clubs, fraternal organizations, corporations, estates or trusts.

PLANNING OFFICIAL: An employee of the Town of Taylor, or a designee, who serves to administer the planning function of the Town. May be the same as the zoning official.

PLANNING AND ZONING COMMISSION: An appointed board of the Town. Also known as Planning Commission or Commission

PUBLIC IMPROVEMENT: Any street, roadway, parkway, bicycle path, pedestrian way, trail, sidewalk, drainage feature, traffic control device (such as signs), water supply, water distribution, sanitary sewer, sewage disposal, lot improvement, parking area, landscaping, lot stake, survey monuments, solid waste disposal facilities, protective fences or other facility for which the Town of Taylor may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which the Town's responsibility is established.

PUBLIC SALE: That point in the transfer or exchange of property at which time title is transferred or upon close of escrow.

PUBLIC WORKS DEPARTMENT: The Public Works Department of the Town of Taylor.

PUBLIC WORKS DIRECTOR: An employee of the Town of Taylor, or a designee, authorized to direct the Public Works Department and/or oversee public works projects and facilities for the Town.

RECORDER: The Recorder of Navajo County.

REGULATION(S): The Town of Taylor Subdivision Regulations, as adopted and amended by the Town of Taylor.

STREETS AND ROADS:

- A. Alley: A secondary means of access to property located at the rear or side of property.
- B. Arterial Highways: State highways and rural routes of county-wide importance, which collect traffic from collector and local roads and bring all developed rural areas within a reasonable distance of a higher level of service than the local roads.
- C. Belt Highway: An arterial highway for carrying traffic partially or entirely around an urban area, or portion thereof.
- D. Collector Streets: Those streets which provide for traffic movement within neighborhoods and between major streets and local streets and for direct access to abutting property. They may also serve secondary traffic generators, such as schools, parks and apartment areas with high population density.
- E. Commercial Streets: Access streets serving substantial traffic volumes on relatively short trips in areas where land use is primarily retail sales or offices. These streets will normally be constructed with highly developed illumination and drainage and provisions for parking and pedestrian movements.
- F. Cul-de-sac: A local street open at one end, with special provisions for turning around, and the further extension of which is precluded by the subdivision design.
- G. Dead-end Streets: A local street open at one end only, with temporary special provisions for turning around and which may be further extended into adjoining property.
- H. Divided Highway: A highway with separated roadways for traffic in opposite directions.

- I. Expressway: A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.
- J. Freeway: Those roads and streets with full control access and which serve corridors of major traffic flow not already served by the interstate freeways.
- K. Frontage Street or Road: A local street or road auxiliary to and located on the side of an expressway, freeway, major highway or secondary highway for service to abutting property and adjacent area for access control.
- L. Highway: A right-of-way designated for vehicular traffic, including expressway, freeway, road or street.
- M. Industrial Streets: Access streets serving substantial traffic volumes and particularly high proportions of commercial vehicles on areas where land use is predominantly industrial, wholesale trade and goods movement.
- N. Local Roads: Roads primarily for access to abutting lands, such as farms, rural subdivisions or other low intensity purposes.
- O. Local Streets: Those streets providing direct access to commercial, industrial or other abutting land and for local traffic service to collector or major streets.
- P. Private Streets: Streets serving only property within the subdivision, which are not dedicated to public use nor maintained by the Town of Taylor, and to which access by the public is controlled by the subdivision design and by either posting or gating and such streets are maintained by the owners or developer.
- Q. Residential Streets: Other streets in municipalities. In general, these streets provide access to residential property.
- R. Restricted Streets: Short local streets where, due to unusual conditions as determined and approved by the Town Council, it is impractical to provide a wider right-of-way.
- S. Right-of-way: A general term denoting land, property or interest therein, usually in a strip acquired for or devoted to a highway, road, street, alley or utility drainage.
- T. Roadside Strip: The area adjoining the outer edge of the roadway or street and extending to the right-of-way line, and in which sidewalks, approved plantings, approved utility structures and bank slopes may be located.

- U. Roadway: The portion of a street or highway, including shoulders and auxiliary lanes, for vehicular travel.

SUBDIVISION DEVELOPMENT SKETCH: A simple drawing of the proposed subdivision showing streets, alleys, utility and drainage easements. Subdivisions will be shown in relation to existing and planned streets within one thousand feet (1,000') of the subdivision prepared to scale.

SUBDIVISION (OR SUBDIVIDED LANDS): Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, town house or similar project containing four (4) or more parcels, in which an undivided interest in the land 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. "Subdivision" does not include the following:

- A. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- B. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- C. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.
- D. Land splits as defined in this Regulation.

TOWN: The Town of Taylor.

UTILITIES: The installation of facilities, furnished for the use of the public, such as sewer, water, electricity, gas, fire hydrants, street light, computer networks, telephone, cable television or other facilities, owned and operated by any person, firm, corporation, municipal department or board duly authorized by State, County or Town of Taylor regulations.

VICINITY MAPS: A simple drawing of the subdivision showing its location in relation to established Town, County, State or interstate highway, and drawn to a legible scale.

VISION TRIANGLE: Beginning at the intersection of the property lines at any street corner, thence to a point twenty five feet along the front property line, thence to a

point twenty five feet along the corner-side lot line, then connecting those two points by a line that runs diagonally across the corner.

ZONING ADMINISTRATOR: An employee of the Town of Taylor, or a designee, who serves to administer the Town of Taylor Zoning Ordinance. May be the same as the Planning Official.

1-3: DUTIES OF THE PLANNING OFFICIAL:

- A. Specified: The duties of the Planning Official shall be as follows:
1. Make investigations and reports on the design and improvement of proposed subdivisions.
 2. Shall coordinate review of the Preliminary and Final Plats, Improvement Plans, method of financial assurance, and any accompanying documents with the Town Manager, Public Works Director, Zoning Administrator, Town Clerk, Town Attorney, Planning Commission, Town Council members and other interested parties.
 3. Shall make recommendation for action to the Planning Commission, subject to the provisions of this Regulation, of proposed plats of subdivisions prepared and filed according to this Regulation.
 4. Shall make recommendation for action to the Planning Commission the kinds, nature and extent of the improvements to be installed in subdivisions.
 5. Shall report directly to the subdivider or owner the action taken on Preliminary and Final Plats.
 6. Shall be responsible for the collection and distribution of any financial assurance, in accordance with the provision of this Regulation.
 7. Shall coordinate the recording of any Final Plat, Results of Survey, Resubdivision or Reversion to Acreage plat approved in accordance with the provisions of this Regulation with the Town Clerk.

1-4: DUTIES OF THE PLANNING AND ZONING COMMISSION:

- A. Specified: The duties of the Planning and Zoning Commission shall be as

follows:

1. The Commission shall engage in those planning activities authorized by ARS Section 9-461, et seq., including the development of a General Plan.
2. The Commission shall produce and recommend regulations, codes and ordinances for consideration by the Town Council.
3. The Commission shall hear requests for the granting of conditional uses, preliminary subdivision plats, conceptual development plans, and mixed use plans. The commission may approve, deny, or make changes to such requests in original or modified form. The applicant shall have the right to appeal to Town Council.
4. The Commission shall hear requests for, general plan amendments, specific plan amendments, mixed use developments, and shall recommend for approval, denial or approval with revisions upon such requests to the Town council.
5. The Commission shall prescribe, in connection with a request for an amendment, use permit, or subdivision, such conditions as the commission may deem necessary in order to fully carry out the provisions and intent of these regulations.
6. The Commission shall adopt reasonable rules and regulations for the conduct of its proceedings, fix the time and place for its meetings, and give public notice of those meetings which shall be open to the public and news media. The Planning Official or his designee shall act as secretary of the commission and shall keep written minutes of its meetings to be filed with the Town Clerk and open to the public as required by law. The rules for the election of officers, terms of office, establishment of a quorum are contained in the Town of Taylor Zoning Ordinance.

1-5: DUTIES OF THE TOWN COUNCIL:

A. Specified: The duties of the Town Council shall be as follows:

1. Designate, subject to the provisions of this Regulation, the kinds, nature and extent of the improvements to be provided in subdivisions.
2. Shall give its approval of the Final subdivision plat and the type and method for completion of public improvements as prescribed in this Regulation. Such approval may include such conditions as deemed necessary to ensure the health, safety, general welfare, orderly growth

and harmonious development of the Town. Such approval shall be in a timely manner as set forth in this Regulation.

CHAPTER 2

STANDARDS OF DESIGN

SECTION:

- 2-1: Conformance
- 2-2: Improvement Standards
- 2-3: Street Design
- 2-4: Private Streets and Utilities
- 2-5: Street Improvements/Lot Schedules
- 2-6: Street Grades
- 2-7: Street Alignment
- 2-8: Intersections
- 2-9: Alleys
- 2-10: Curb and Gutter Waiver Requirements
- 2-11: Pedestrian Ways
- 2-12: Bicycle Paths and Trails
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- 2-32: Acceptance of Public Improvements
- 2-33: Completion and Certification of Subdivision Improvements
- 2-34: Warranty of Subdivision Improvements

2-1: CONFORMANCE:

- A. Generally: All subdivisions shall conform to the following standards of subdivision design, except in those cases where the Planning Commission determines that:
1. There are special circumstances, conditions or hardships, not caused by the subdivider, affecting such property;
 2. A modification is necessary for the preservation and enjoyment of a substantial property right;
 3. The granting of a modification will not be detrimental to the public welfare or injurious to other property in the vicinity;
- B Granting of Modification: No granting of a modification shall be authorized unless the Planning Commission specifically finds that the situation or condition for which the modification is sought is not so typical or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.
- Recognized standards for subdivision design are contained in this Regulation. Such design guidelines shall be adhered to by the subdivider, unless otherwise approved by the Planning Commission as noted above.
- C. General Plan: All subdivision plans shall conform to the plan, policy, goal or requirement of any plan adopted by the Town as a General Plan, land use plan, or element thereof, and to all other requirements established by law, this regulation or ordinance.
- D. Zoning Ordinance. All subdivision plans shall conform to the requirements of the Town of Taylor Zoning Ordinance as adopted and as may be subsequently amended, and to the requirements of the zoning district(s) in which the subdivision is to be located.

2-2: IMPROVEMENT STANDARDS:

- A. Improvements installed in subdivisions shall be constructed in full conformance to this Regulation and to the subdivision construction standards and specifications of the Town of Taylor, except as noted in subsections 2-2-B and C below. Changes, modifications or revisions of the construction standards shall cause the subdivision improvement standards to change accordingly.
- B. In the absence of a standard for an improvement, the Director of Public Works may establish a standard in keeping with good construction and engineering practice.
- C. Appeals and modifications to these improvement standards may be approved by the Planning Commission, after consultation with Town staff.

2-3: STREET DESIGN:

A. General:

1. **Alignment to Existing Streets:** The street system in the proposed subdivision shall relate in alignment to the existing streets in the area adjoining the subdivision.
2. **Street Names:** Streets shown on the Final Plat shall be named as approved by the Planning Commission, and shall be named to reflect existing street alignments, avoid conflict with existing street names, to avoid confusion by those involved with emergency response such as police, fire and ambulance services, and to assist in the addressing of individual lots in accordance with Town policies and guidelines.
3. **Consideration to Future Subdivision/Development:** The proposed street plan shall give consideration to the future subdivision of adjoining unsubdivided property and/or development of undeveloped property.
4. **Serve Proposed Use of Abutting Land:** All streets shall be designed to serve the proposed use of the land abutting them.
5. **Improvements:** If a subdivision abuts or borders on a street, the subdivider shall be required to improve the abutting/bordering street(s) in accordance with the requirements of the Public Works Director, which at a minimum shall be half-street improvements.
6. **Street Design Standards:** Examples of appropriate street design standards are noted as an appendix to this Regulation. Such design guidelines shall be adhered to by the subdivider, unless otherwise approved by the Planning Commission as noted in Section 2-1-A of this Regulation.
7. **Access along Major Highways and Arterial Roadways:** Along major highways and arterial roadways, access to private property within a subdivision shall be provided by means of one or more of the following:
 - a. Frontage road;
 - b. Street separate from the major highway or arterial roadway by a tier of lots, or by;
 - c. Cul-de-sac streets entered from a street other than the major highway or arterial roadway.

8. Design Provisions: Design of streets shall make provision for railroads, parkways, expressways, grade separations, flood control channels, drainage facilities, irrigation facilities and hillside property.
9. Driveway Provisions: Designs of streets shall provide general driveway locations. In no instance shall driveways be closer than three (3) feet from a side property line nor within a corner visibility triangle.
10. ADOT Approval: All driveways and streets fronting a state maintained highway shall be approved by the Arizona Department of Transportation. Required permits shall be obtained by the developer.

2-4: PRIVATE STREETS AND UTILITIES:

Private streets may be platted with the concurrence of the Planning Commission under the following conditions:

- A. Satisfactory Easements: That easements satisfactory for meeting established minimum standards of design and construction are provided;
- B. Maintenance: That provision, satisfactory to the Public Works Director, is made for the permanent maintenance of streets;
- C. Access: That adequate provision is made for access of emergency vehicles, utility vehicles and vehicles providing services such as garbage and trash pickup;
- D. Declaration of Responsibility: That clear statements be contained on the approved Preliminary and Final Plat, in deed restrictions, and in homeowner's association bylaws, as to which streets are declared private and that such private streets shall remain the permanent responsibility of the homeowner's association or developer, and shall be so posted;
- E. Improvements: That the private streets shall be at a minimum thirty six (36) feet wide and shall have a dust palliative applied. All cul-de-sacs shall have a 50' radius circle at the end.
- F. Addresses will be established as per Town regulations. All streets will be marked with red street signs and entrances shall be signed as private streets
- G. Public Health and Welfare Maintained: That the health, safety and welfare of the public will not be impaired thereby.
- H. Utilities: A schedule of utility sizing and responsibility of utility maintenance will be provided.

2-5: STREET IMPROVEMENTS/LOT SCHEDULES:

In general, the classification of a street shall be as defined in this Regulation, as designated in the Taylor General Plan, or as designated by the Town Council. The minimum right-of-way widths and improvements for streets shall be based generally on the proposed minimum lot sizes as follows. Such lot size designation shall be based on the minimum size of any lot proposed for development (may not include parcels or tracts if not intended for use). Such lots shall only be subsequently subdivided or split in accordance with the Zoning Ordinance and this Regulation. Examples of street design cross-sections is provided for in Appendix A of this Regulation. However, upon a finding by the Planning Commission that such condition(s) exists or may exist as a result of this or other expected development, greater or lesser right-of-way widths and improvements may be required by the Planning Commission.

A. Schedule A; Lots less than one-acre in size:

The minimum improvement for streets in a subdivision where the lots are less than one-acre in size are hereby established as Schedule 'A', and shall be as follows when included in the proposed subdivision design and approved by the Planning Commission:

1. Arterial street - one hundred feet (100') of right-of-way, plus an adjacent 8' wide public utility easement (each side); sixty-four feet (64') of asphalt pavement between the face of curbs (four 12-foot lanes, one 16-foot left turn lane); concrete curbs (vertical) and gutters; five-foot (5') concrete sidewalk adjacent to curbs.
2. Collector street - eighty feet (80') of right-of-way, plus an adjacent 8' wide public utility easement (each side): forty eight feet (48') of asphalt pavement between the face of curbs (four 12-foot lanes); concrete curbs (vertical or rolled) and gutters; five-foot (5') concrete sidewalk adjacent to curbs.
3. Local (residential) streets - fifty feet (50') of right-of-way, plus an adjacent 8' wide public utility easement (each side): thirty six feet (36') of asphalt pavement between the face of the curbs (two 11-foot lanes, two 8-foot lanes); concrete curb (vertical or rolled) and gutters; five-foot (5') concrete sidewalk adjacent to curbs.
4. Frontage or cul-de-sac street – fifty feet (50) of right-of-way, plus an adjacent 8' wide public utility easement (one side only for frontage streets): twenty eight feet (28) of asphalt pavement between curbs (two 14-foot lanes) and restricted parking, or with thirty six feet (36') of asphalt pavement between curbs, (two 12-foot lanes, one 8-foot lane); concrete curbs and gutters with two feet (2') separation from highway right-of-way; five-foot (5') concrete sidewalk adjacent to curbs (only on one side for a

frontage street). A fifty (50) foot radius turning area will be provided for cul de sacs.

5. Private streets – Thirty Six (36) feet in width with dust palliative.
6. Street name signs and traffic-control signs.
7. Barricade(s) at the end of any dead-end street may be required.

B. Schedule B; Lots one-acre or more, but less than two and one-half acres in size:

The minimum improvement for streets in a subdivision where the lots are one-acre or more, but less than two and one-half acres in size, are hereby established as Schedule 'B', and shall be as follows when included in the proposed subdivision design and approved by the Planning Commission:

1. Arterial street - one hundred feet (100') of right-of-way, plus an adjacent 8' wide public utility easement (each side): sixty-four feet (64') of asphalt pavement between the face of curbs (four 12-foot lanes, one 16-foot left turn lane); concrete curbs (vertical, rolled or retainer) and gutters; five-foot (5') concrete sidewalk adjacent to curbs.
2. Collector street - residential area with sixty (60') or eighty feet (80') of right-of-way as approved by the Public Works Director and the Commission, based on the overall number of lots and proposed use(s), plus an adjacent 8' wide public utility easement (each side): thirty six feet (36') to forty-eight feet (48') of asphalt pavement between the face of curb; concrete retainer curbs, plus five-foot (5') wide shoulders.
3. Local (residential) streets - fifty feet (50') of right-of-way, plus an adjacent 8' wide public utility easement (each side): twenty six feet (26') of asphalt pavement, plus five-foot (5') wide shoulders; concrete retainer curbs.
4. Frontage or cul-de-sac street - fifty feet (50') of right-of-way, plus an adjacent 8' wide public utility easement (one side only for frontage streets): twenty-six feet (26') of asphalt pavement between the face of curb; concrete retainer curb; five-foot (5') wide shoulders; two feet (2') separation from major highway right-of-way. A fifty (50) foot radius turning area will be required for cul de sacs.
5. Private streets – Thirty Six (36') feet in width with dust palliative.
6. Street names signs and traffic-control signs.
7. Barricade(s) at the end of any dead-end street may be required.

C. Schedule C; Lots more than two and one-half (2-½) acres in size:

The minimum improvement for streets in a subdivision where the lots are more than two and one-half (2-½) acres in size, are hereby established as Schedule 'C', and shall be as follows when included in the proposed subdivision design and approved by the Planning Commission:

1. Arterial street - one hundred feet (100') of right-of-way, plus an adjacent 8' wide public utility easement (each side): sixty-four feet (64') of asphalt pavement between the face of curbs (four 12-foot lanes, one 16-foot left turn lane); concrete curbs (vertical, rolled or retainer) and gutters; five-foot (5') concrete sidewalk adjacent to curbs.
2. Collector street - sixty (60'), plus an adjacent 8' wide public utility easement (each side): twenty six feet (26') of asphalt pavement between the face of curbs; concrete retainer curbs; plus five-foot (5') wide shoulders.
3. Local (residential) streets - fifty feet (50') of right-of-way, plus an adjacent 8' wide public utility easement (each side): twenty six feet (26') of asphalt pavement; concrete retainer curbs plus five-foot (5') wide shoulders.
4. Frontage or cul-de-sac street - fifty feet (50') of right-of-way, plus an adjacent 8' wide public utility easement (one side only for frontage streets): twenty-six feet (26') of asphalt pavement; concrete retainer curbs; five-foot (5') wide shoulders; two feet (2') separation from major highway right-of-way. A fifty (50) foot radius turning area will be provided for cul de sacs.
5. Private streets – Thirty Six (36') feet in width with dust palliative.
6. Street names signs and traffic-control signs.
7. Barricade(s) at the end of any dead-end street may be required.

2-6: STREET GRADES:

- A. Maximum: Street grades between six percent (6%) and ten percent (10%) will be approved only for such distances as topographical conditions make lesser grades impractical. A grade exceeding ten percent (10%) will be approved only when conclusive evidence shows that a lesser grade is impractical.
- B. Minimum: The minimum street grade should not be less than two-tenths of one-percent (0.2%).

- C. Flat Grades: Flat grades may be considered when adjacent lots or blocks are designed for retention or detention of ponding storm water.
- D. Approval Required: All grades shall be approved by the Public Works Director.

2-7: STREET ALIGNMENT:

- A. Curves: Curves in residential streets in comparatively level locations shall have a preferred center line radius of three-hundred feet (300'), a minimum center line radius of two-hundred feet (200') and in steep hillside locations a minimum radius of one-hundred fifty feet (150'). All other streets and highways shall have a minimum center line radius of one-thousand feet (1,000').
- B. Jogs: Street jogs of less than one-hundred fifty-feet (150') shall not be permitted.

2-8: INTERSECTIONS:

- A. Connections: All street connections shall be at approximate right angles.
- B. Corners: Street corners shall provide for a minimum twenty five foot (25') curb radius with the property line corner radii designed so as not to reduce the widths of the roadside strips.

2-9: ALLEYS:

Alleys are not required by this Regulation. However, a subdivider may provide alleys subject to the following provisions:

- A. Location: Alleys may be provided for in the subdivision design at the rear of back to back lots.
- B. Width: Alleys shall have a minimum right-of-way width of twenty feet (20').
- C. Improvements: Alleys shall be covered with a dust-free surfacing as required by the Public Works Director.
- D. Intersections: Alley intersections shall have corner cut-backs of not less than ten feet (10').
- E. Cul-de-sacs: Cul-de-sac alleys shall have a turn-around of at least forty-five feet (45') in radius. Dead-end alleys are not permitted.
- F. Paved Service Areas: Paved service areas may be substituted for alleys at the rear of lots intended for retail business. Service areas used for refuse collection shall be adequately concealed.

2-10: CURB AND GUTTER WAIVER REQUIREMENTS:

The requirement for curbs and gutters within a proposed subdivision may be waived, subject to approval by the Planning Commission, when the subdivision meets the following criteria:

- A. Grade: The subdivision road grade shall not be more than three percent (3%).
- B. Flood Water: The design of the subdivision will preclude the flow of flood water onto the roadways.
- C. Pavement Border: A pavement border, or such treatment as may be approved by the Public Works Director, is provided.

In the event that the requirement for pavement, curbs, gutters and/or sidewalk is waived by the Planning Commission, streets and street edges shall be installed and improved to a width and of a material as approved by the Public Works Director.

2-11: PEDESTRIAN WAYS:

Paved pedestrian ways six feet (6') wide shall be provided approximately midway across blocks over one-thousand two-hundred feet (1,200') in length or where deemed by the Planning Commission to be necessary for public safety and convenience.

2-12: BICYCLE PATHS AND TRAILS:

Where deemed necessary, additional right-of-way and/or paving width may be required for placement of a bicycle paths or trails within the right-of-way or adjacent to a street.

2-13: EASEMENTS:

- A. Where deemed necessary by the Town, dedication of easements (public utility, drainage, access, etc.) shall be dedicated.
- B. In cases where the Planning Commission approves street improvements to a width less than that noted in subsection 2-5 above, the Town may allow the placement of public utility within the right-of-way dimension indicated for that particular street.

2-14: BLOCKS:

Blocks shall not be more than eight hundred (800) feet in length nor less than four hundred (400) feet unless deemed necessary for public safety and convenience.

2-15 CUL DE SACS:

- A. Shall be no longer than five hundred (500) feet nor less than three hundred (300) feet.
- B. A fifty (50) foot radius turnaround shall be provided with forty foot (40) radius pavement.

2-16: LOTS DIVIDED BY BOUNDARY LINE:

- A. Through Lots: Through lots are not recommended.
- B. Prohibited: No lot shall be divided by a city, county, school district or other taxing agency boundary line.
- C. Lot Depth-to-Width Ratio: The depth-to-width ratio of the useable area of lots of less than one acre should not be greater than three to one (3:1).

2-17: LOTS NOT PERMITTED:

- A. "T" or "L" shaped lots are not permitted which provide access to a street.
- B. Lot frontage shall be as required by the zoning ordinance.

2-18: PROPERTY EXCLUSIONS:

- A. When Required: Portions of an adjacent property within the ownership of the subdivider shall not be excluded from within the boundaries of a subdivision when needed or required for dedications or improvement of any traffic, drainage or flood control facility, utility or other access use.
- B. Size and Shape Conformance: Portions of property within the ownership of the subdivider, but not included within the boundaries of a subdivision, shall be of such size and shape as to conform to the provisions of the Zoning Ordinance or other regulation or any element of a general plan.

2-19: PERMANENT ACCESS:

- A. Cul De Sac Subdivisions: A subdivision consisting of one street ending in a cul de sac meeting the distance requirements as set forth in this ordinance shall be required to have only one permanent access.
- B. Minimum access: No subdivision (other than as stated in A above) shall be recorded unless two (2) permanent, public accesses (at least one of which shall be an improved public roadway), or more as deemed necessary by the Planning

Commission, are provided from the subdivision to a town, city, county, State or Federally-maintained road. Public access means a dedication to the Town, County or a permanent written easement from the State or Federal governments.

- B. Dedication; Approval: Streets and roadways dedicated to the Town for the purpose of providing access shall be approved by the Public Works Director prior to recording and final approval by the Town Council.

2-20: PUBLIC UTILITY SERVICE INSTALLATIONS:

- A. Utility Line Location: Public utility service lines, including but not limited to water, sewer, electrical, telephone, gas and cable TV facilities, shall be located in accordance with the provisions of the Arizona Corporation Commission Order U-48, at the front of lots or side lines of lots as necessary, in alleys or easements provided for that purpose; unless requested differently by the public utility company. All utilities, except electric service lines with a capacity in excess of 69kV, shall be installed underground.
- B. Within rights-of-way: All public utility service lines shall be located within the road rights-of-way, provided they are installed underground (except for electric service lines with a capacity in excess of 69 kV) and that all transformers, pedestals, etc., extending above the ground be located behind the right-of-way. Any underground utilities, when installed within the right-of-way and where possible, shall be installed outside of any roadway improvements (paving, curb, gutter, sidewalk), except where crossing any street or road.
- C. Extension of Public Utilities: All public utilities (including but not limited to water, sewer, electrical, telephone, gas and cable TV facilities) shall be extended through any proposed development to a point along the boundary of that development so that such service shall be available to adjacent properties for future development. The location of such extension shall be determined by the Public Works Director.
- D. Lot Lines: Lot lines shall be so designated that easements will be located in practical locations and will be suitable for the proposed use.

2-21: DOMESTIC WATER SUPPLY:

- A. Developers shall be required to extend public water service to and within a proposed subdivision or to provide a water system that will be dedicated to the Town.
- B. Lots less than two and one-half acres in size: Subdivisions having lots of less than two and one-half (2-½) net acres in area shall be provided with a complete water distribution system which will adequately serve the subdivision and which is acceptable to the Town. No private water systems will be permitted.

- C. Lots greater than two and one-half acre in size: In subdivisions having lots of more than two and one-half (2-½) acres, the subdivider shall provide a statement as to the availability of a water source and the anticipated costs to the buyer of obtaining such water.
- D. All water lines and or systems shall be **engineered**, constructed and sized to Town standards and requirements and shall be approved by the Public Works Director and/or Town Engineer.

2-22: SEWAGE DISPOSAL:

- A. Connection To Public System: Subdivisions shall be provided with a sanitary sewer connection, acceptable to the Town, to each lot when the nearest boundary of the subdivision is within one thousand four hundred feet (1,400') of a public sanitary sewer system.
- B. Unavailability: Whenever a public sanitary sewer system is not available to a subdivision, proper provision shall be made for collection, disposal and treatment of sewage. The requirements of the Town and the Arizona Department of Environmental Quality shall apply.
- C. All sewer lines and related facilities (such as man-holes, clean-outs, lift stations, etc.) shall be engineered constructed and sized to Town standards and requirements and shall be approved by the Public Works Director and/or Town Engineer.

2-23: SOLID WASTE DISPOSAL:

The method of solid waste disposal shall be indicated at the time of Preliminary Plat submittal. A copy of an 'agreement to serve' from a solid waste disposal service shall be provided to the Town Council prior to Final Plat approval.

2-24: FIRE PROTECTION:

Fire hydrants and a fire distribution system shall be provided in accordance with the recommendations or requirements of the Public Works and Fire Departments.

2-25: STREET LIGHTS:

Street lights are not required. The inclusion of street lights will require the subdivider to provide information concerning their perpetual care and payment of the electric bill.

2-26: TRAFFIC CONTROL DEVICES:

Traffic control devices, including but not limited to traffic signals, stop or yield signs and street name signs, shall be provided in accordance with the recommendations or requirements of the Public Works Director.

2-27: DANGEROUS AREAS:

Areas which by reasons of geological or topographical conditions, unstable surface conditions, ground water or seepage conditions, hazard of flood inundations, erosion or any other condition deemed by the Planning Commission to be dangerous or to create unsatisfactory living conditions, shall not be subdivided except under restrictions as to the use of all or any part thereof as approved by the Planning Commission.

2-28: FLOOD CONTROL FACILITIES:

- A. Design: The minimum facilities for the control of flood waters crossing, flowing into or falling upon a subdivision shall include flood channels, flood easements and storm drains that are designed to provide adequate protection against a 100 year flood. All flood control facilities shall be approved by the Public Works Director and/or the Navajo County Flood Control District and shall be in accordance with the Taylor Flood Damage Prevention Ordinance and requirements of the Silver Creek Flood Control District.
- B. Streets; Highways: Streets and highways shall not be used as flood channels.
- C. All such facilities shall be warranted as required for all improvements in this regulation. Town Council may require long term plans for maintenance of such facilities.

2-29: PROTECTIVE FENCE:

- A. Protective fence requirements for subdivisions are established as a six-foot (6') high chain-link galvanized wire, masonry wall, wood or other acceptable material for fencing, along any canal, drain, expressway or other feature deemed by the Planning Commission to be hazardous to the public.
- B. Abutting Specific Lands: All subdivisions abutting forest land, government land, range land or as required by the Planning Commission shall be fenced.
- C. Cattle Guards: Steel and concrete cattle guards shall be placed on all fence lines at all access roads entering the subdivision from an opened or free area, as specified in subsection B of this Section.

2-30: MONUMENTS AND LOT STAKES:

- A. Lot stakes indicating lot number shall be provided as soon as practical and prior to any construction on the lot to aid utility and Town personnel in locating the lots.
- B. All monuments shall be in place at the conclusion of improvement work and prior to the sale of any lot. All monuments for lots shall consist of a metal stake with a surveyors cap.

2-31: ADDITIONAL PUBLIC IMPROVEMENTS:

In addition those improvements noted above, the Planning Commission may require the installation of other improvements, including but not limited to off-site street or roadway improvements, parking areas (on or off-street), landscaping, solid waste disposal facilities, dedications, easements or other facilities for which the Town of Taylor may ultimately assume the responsibility for maintenance and operation, which may effect an improvement for which the Town’s responsibility is established, or which is deemed to be in the public interest.

2-32: ACCEPTANCE OF PUBLIC IMPROVEMENTS:

Public improvements within a subdivision, including but not limited to streets, shall be accepted for maintenance by the Town only when they are constructed, without cost to the Town, to meet the minimum Town of Taylor construction standards and the minimum standards as set forth in this Regulation. Acceptance of such streets shall be upon request by the subdivider, and shall require formal approval by the Town Council, upon review and comment by the Public Works Director. Approval or recording of a Final Plat for a subdivision shall not constitute acceptance or maintenance of the public improvements depicted thereon. As built drawings shall be provided and certified by a licensed engineer. The developer shall provide a schedule of the value of the public improvements being dedicated to the Town.

2-33: COMPLETION AND CERTIFICATION OF SUBDIVISION IMPROVEMENTS:

- A. Completion: The method for completion of public improvements shall be in accordance with Section 4-8 of this Regulation. In general, improvements as required by the Planning Commission shall be completed and in place, or appropriate financial assurance in the form of a bond, trust, improvement district or some other form as approved by the Planning Commission shall be provided to ensure completion of the subdivision improvements, prior to recording of the Final Plat.

- B. Certificate: Following the completion of all required public improvements including, but not limited to, lot staking, survey monuments, streets, drainage ways, public water supply, water distribution, sanitary sewer, sewage disposal and solid waste disposal facilities, a certificate shall be executed by a professional engineer registered to practice in the State, certifying that said improvements have been made under his direction in accordance with the provisions of these subdivision regulations and in accordance with the plans of such as approved by the Director of Public Works and all applicable State agencies upon which approval of the Final Plat was based. The certificate shall be submitted to the Planning Official.

2-34: WARRANTY OF SUBDIVISION IMPROVEMENTS:

All improvements shall be warranted for a period of one-year (or more when agreed upon by all parties) from the date of Town Council acceptance of such improvements. Any faults, defects, repairs, replacements, etc., within this one-year time-frame shall be the responsibility of the developer of such improvements. Any such faults, defects, repairs, replacements, etc., are to be completed to the satisfaction of the Town and in accordance with Town requirements, and shall not be accepted except upon the formal approval of the Town Council.

In addition to this warranty, the Town may elect to require a warranty bond equal to 10% of the total cost of the improvements, as determined by the Planning Commission.

Additionally, in the event that there is a substantial amount of defects, repairs, replacements, etc., that occur within a given project/subdivision during the one-year warranty period, the Town may elect to require the developer to correct such faults and to be subject to an additional one-year warranty period from the date that such faults are corrected and accepted by the Town Council. The determination as to 'substantial' shall be made by the Public Works Director, with an appeal only to the Town Council.

In the event that the developer does not make any necessary corrections to any faults within the one-year warranty period, the Town may elect, in the interest of the health, safety and/or welfare of its residents, to make such corrections as are deemed necessary. The developer shall be required to pay for any costs incurred by the Town in correcting any faults (plus applicable collection and attorney costs, plus interest), or the Town may use method to ensure recovery of these expenditures, including, but not limited to, property liens, withholding of permits, retention/collection of financial assurance, etc.

CHAPTER 3

PRELIMINARY PLATS

SECTION:

- 3-1: Preliminary Steps
- 3-2: Submittal
- 3-3: Date of Filing Fixed
- 3-4: Plat Checking Fee
- 3-5: Identity of Subdivider
- 3-6: Information Required
- 3-7: Supplemental Information
- 3-8: Boundary Survey
- 3-9: Corner Stakes
- 3-10: Planning Commission Action
- 3-11: Time Limits for Action
- 3-12: Duration of Approval
- 3-13: Refiling following Disapproval
- 3-14 Changes Made to a Preliminary Plat

3-1: PRELIMINARY STEPS:

- A. Consultation: In order to avoid unnecessary and costly revision, the subdivider or his engineer is urged to consult early and informally with the Town staff for advice and assistance before the preparation of the Preliminary Plat and formal application for its approval. A Subdivision Development Sketch showing concepts should be prepared for such consultation.
- B. Preliminary plat: The initial action in the development of a subdivision located in the incorporated territory of the Town shall be in the preparation of a Preliminary Plat.
 - 1. The size of the Preliminary Plats shall be twenty four inches by thirty six inches (24" x 36") and shall be drawn to a fifty foot (50'), one hundred foot (100') or two hundred foot (200') to the inch scale, whichever is most appropriate to clearly present necessary details. Copies of said plat will be provided in either 8X14 or 11X 17 size
 - 2. The Preliminary Plat(s) shall show or be accompanied by such data as required in Sections 3-5 through 3-8 of this Regulation.

3-2: SUBMITTAL:

- A. Filing; Distribution: The subdivider shall file five (5) copies of the large Preliminary Plat(s) and twelve (12) copies of the small plats, along with the plat review fee, in the office of the Planning Official who shall cause copies to be transmitted to the Public Works Director, Zoning Administrator and all interested utilities. The officials shall review the plat for matters within their jurisdiction and promptly report their recommendations to the Planning Official, who shall check the plat for conformity to this Regulation.
- B. Date: The date of filing will be a minimum of thirty (30) days prior to the date the subdivider desires a formal hearing by the Planning Commission.

3-3: DATE OF FILING FIXED:

The date of filing a Preliminary Plat shall be fixed as the date on which all of the plats and information required by this Regulation have been filed, as determined by the staff, and the required fees have been paid.

3-4: PLAT REVIEW FEE:

The Preliminary Plat shall be accompanied by a plat review fee. The plat review fee shall be shown on a separate fee schedule as determined by the Town Council.

3-5: IDENTITY OF SUBDIVIDER:

When submitting the Preliminary Plat, the subdivider shall certify in writing to one of the following:

- A. That the subdivider is the record owner of the property; or,
- B. That the identified record owner of the property consents in writing to the filing of the plat.

3-6: INFORMATION REQUIRED:

The following information shall be delineated on the Preliminary Plat, except those items determined by the staff as not being pertinent to a particular tract:

- A. Title of plat (“Preliminary Plat of (name of subdivision)”) and the general location by Section, Township and Range.
- B. Legal description of property.
- C. Vicinity map.

- D. Name and address of owner and subdivider.
- E. Name and address of person preparing plat.
- F. North point, scale (written and graphic)
- G. Date of preparation and any subsequent revision(s).
- H. Subdivision Data table, consisting of the following information:
 - 1. Gross and net acreage.
 - 2. Existing and proposed zoning district(s).
 - 3. Existing and proposed use(s) of the property.
 - 4. Proposed number of lots.
 - 5. Density (based on net acreage).
 - 6. Area proposed for each individual land use (single-family residential, multi-family residential, commercial, park, school, open space, etc.).
 - 7. Minimum, average and maximum lot size.
 - 8. Maximum building height/number of stories.
 - 9. Maximum lot coverage.
 - 10. Minimum lot width.
 - 11. Statement as to whether streets shall be public or private, and if private, who shall provide the maintenance thereof.
 - 12. Assessor's Parcel Numbers for the area to be subdivided.
 - 13. Flood Plain designation(s) and/or flood plain studies on land where a FEMA study has not been accomplished.
- I. Typical lot layout (graphic) for a corner and interior lot, including the following information:
 - 1. Building envelope and maximum lot coverage.
 - 2. Front, rear, side and corner-side setbacks.
 - 3. Minimum lot width.
 - 4. Minimum lot size.
 - 5. Lot width to depth ratio on lots of less than one (1) acre.
- J. Dimensions of the overall subdivision.
- K. Subdivision boundary line.
- L. Lot numbers.
- M. Names, zoning, and book and page number of all adjoining subdivision(s).
- N. Name, address, Assessor's Parcel Number and zoning of all unsubdivided adjoining properties.
- O. Adjoining property and lot lines.

- P. Names, locations and widths of adjacent streets.
- Q. Identifying landmarks and existing structures, both above and below ground.
- R. Proposed names, locations and widths of streets.
- S. Approximate grades of proposed and existing streets.
- T. Streets and rights-of-way providing permanent access to the property.
- U. Excavations within two hundred feet (200') of the subdivision and within the subdivision.
- V. Approximate radii of curves.
- W. Widths of alleys and easements.
- X. Any existing easements, including the recording information.
- Y. Utility and Service Provider table, including the name and addresses for the following providers (where applicable):
 - 1. Method of water supply.
 - 2. Method of sewage disposal.
 - 3. Method and provider for solid waste disposal.
 - 4. Provider for electricity.
 - 5. Provider for gas.
 - 6. Provider for cable television.
 - 7. Provider for telephone.
 - 8. Method of fire protection.
 - 9. Provider of Emergency Medical Services.
- Z. Location and size of existing and proposed water and sewer lines.
- AA. Elevations of sewer at proposed main connections.
- BB. Location of existing and proposed fire hydrants and street lights.
- CC. Existing culverts and drain pipes.
- DD. Watercourses and channels including proposed facilities for control of storm waters.
- EE. Land subject to overflow and inundations for flood hazard. Minimum elevation for lowest floor of any structure shall be shown.
- FF. Railroads and other rights-of-way.
- GG. Lands and parks to be dedicated to public use.
- HH. Dimensions of reservations.
- II. Proposed lot lines and dimensions.

JJ. Contours with maximum interval as follows:

<u>Slope</u>	<u>Interval</u>
0 - 2%	1'
3 - 9%	2'
10% Plus	5'

KK. Table which lists the number or letter, use and area for each tract.

LL. Legend for all symbols.

MM. Any exceptions or excepted parcel(s) shall be clearly labeled and shall be accurately described by bearings and distances.

NN. Signature block for Planning and Zoning Commission approval.

3-7: SUPPLEMENTAL INFORMATION:

Reports and written statements on the following matters shall accompany the Preliminary Plat:

- A. Development Plan: Subdivision development plan (written and graphic) when the subdivision is larger than forty (40) acres, or is to be developed in phases.
- B. Water Service and System Plan: A written statement indicating that either the Town of Taylor will provide water service to all lots in the subdivision, or the subdivider has an acceptable well and water delivery system. Where the minimum lot size of all lots within the proposed subdivision is in excess of two and one-half (2-½) net acres in area, the subdivider may not be required to connect to the municipal water system or to furnish water to each lot, but may instead furnish a statement of quantity and quality of any wells existing on the property or the estimated cost and feasibility of drilling wells if none exist. Public water service will be used if economically feasible. Private water systems are not permitted.
- C. Sewage and Solid Waste Disposal: A written statement indicating the type of sewage disposal and solid waste disposal that will be provided within the proposed subdivision. To aid in this determination, the Health Officer will require soil percolation tests or other pertinent information. If sanitary sewer facilities and/or a sewage disposal plant is proposed, the method by which the operation and maintenance will be accomplished and financed shall also be indicated.
- D. Street Improvement: Type of street improvement, and the dedication and maintenance thereof. If private streets or other ways of necessity are proposed, the method by which their maintenance will be accomplished and financed. Type of drainage and dust palliative will be provided.

- E. Utilities: Utilities to be installed.
- F. Drainage Report, including a Grading and Drainage Plan: Proposed method for the control of storm water, including existing off-site flows, existing and proposed on-site flows and data as to grade and dimension.
- G. Covenants: Protective covenants proposed to be recorded.
- H. Landscaping: Proposed tree planting or other landscaping if within public rights-of-way or common areas. Proof of perpetual maintenance of all such areas shall be provided the Town prior to the issuance of any building permit.
- I. Engineer Certification: The name, address, registration number and seal of the professional engineer who will provide the certification of completed improvements and inspection pursuant to this Regulation.
- J. Soil Report: A geodetic soil report and foundation recommendations shall be given to the Building Department.
- K. Other Required Information: Such other supplemental information as may be required by the Town, including but not limited to soils reports, water and/or sewer capacity reports, or a Traffic Impact Study.
- L. Avigation easement: If such subdivision is within the Taylor Municipal Airport influence area as defined by ordinance, an avigation easement will be provided.

3-8: BOUNDARY SURVEY:

- A. Required: A boundary survey of the subdivision including all courses and distances necessary to compute a closure on the Preliminary Plat.
- B. Data: Sufficient data to prove the method by which the boundary was determined, including a description of all corners found or set, adjoining plats or property lines and records.

3-9: CORNER STAKES:

Upon filing a Preliminary Plat, the subdivider shall immediately place a conspicuous stake and flag at each corner, angle point or curve point of the property proposed to be subdivided. Said stake shall extend at least three feet (3') above the ground, except where the corner is on a roadway, where it shall be placed so as not to interfere with the vision triangle and sight-distance requirements of the Town.

3-10: PLANNING COMMISSION ACTION:

Within sixty (60) days after the date of completeness as determined by Town Staff, the Planning Commission shall approve, conditionally approve or disapprove said plat and the action of the Commission shall be noted on two (2) copies of the Preliminary Plat. Conditions resulting in conditional approval or disapproval will be noted and referenced. One copy shall be returned to the subdivider and the other retained for the Planning Official's records. Failure of the Planning Commission to take action within the sixty (60) day period will cause the plat to be forwarded to the Town Council for their action.

3-11: TIME LIMITS FOR ACTION:

The time limits for acting and reporting on Preliminary Plats as specified in this Regulation may be extended by omission of required information and by mutual consent (in writing) of the subdivider and the Planning Commission as the case may be. If no action is taken on the part of the Planning Commission within these time limits, the Preliminary Plat will be forwarded to the Town Council for action. However, such approval of the Preliminary Plat shall not guarantee the subdivider, nor bind the Commission or Town Council, to approval of the related Final Plat.

3-12: DURATION OF APPROVAL:

A. Single-phase subdivisions:

1. Approval of a Preliminary Plat by the Planning Commission for a single-phase subdivision shall be for duration of one-year from the date of approval.
2. Upon written request of the subdivider, additional one-year extensions (up to a maximum of five (5) years from the original date of approval), may be granted by the Commission, upon a determination that circumstances exist beyond the control of the subdivider. It shall be the responsibility of the subdivider to provide evidence of such circumstances.
3. Failure to receive approval of a Final Plat within one-year from the date of approval or conditional approval of the Preliminary Plat, or to receive an extension of approval of the Preliminary Plat by the Commission, shall render the Preliminary Plat null and void.

B. Multi-phase subdivisions:

1. Approval of a Preliminary Plat by the Planning Commission for a multi-phase subdivision shall be for a duration of one-year from the date of approval.
2. Upon written request of the subdivider, additional one-year extensions (up to a maximum of five (5) years from the original date of approval), may be

granted by the Commission for any phase or portion, or for the entire area of the Preliminary Plat, upon a determination by the Commission that circumstances exist beyond the control of the subdivider. It shall be the responsibility of the subdivider to provide written evidence of such circumstances.

3. Failure to receive approval of a Final Plat for the initial phase or portion of the subdivision within one-year from the date of approval or conditional approval of the Preliminary Plat, or to receive an extension of approval of the Preliminary Plat granted by the Commission, shall render the entire Preliminary Plat null and void.
4. Phase or portions of the Preliminary Plat which have not received Final Plat approval by the Town Council are subject to the time duration limits and extension requirements noted above.

3-13: REFILEING FOLLOWING DISAPPROVAL:

In the event that a Preliminary Plat is disapproved by the Planning Commission, a new Preliminary Plat of the same area or portion thereof shall not be filed within six (6) months of the date of disapproval unless the subdivider can prove that there is a change in circumstances that warrants such reconsideration. A refiling after six (6) months shall be treated as a new submission.

3-14: CHANGES MADE TO A PRELIMINARY PLAT:

Changes to a preliminary plat may be made up until the Planning Commission approves the preliminary plat. Once a preliminary plat is approved by the Planning Commission changes cannot be made.

If a change is requested, needed or required, the previously approved preliminary plat is no longer valid and the developer must reapply as if the previous preliminary plat was never submitted or approved.

CHAPTER 4

FINAL PLATS

SECTION:

- 4-1: Preparation
- 4-2: Conformance to Standards of Design
- 4-3: Plat Requirements
- 4-4: Data Required
- 4-5: Center Lines and Boundaries
- 4-6: Lot Description and Identification
- 4-7: Filing; Accompanying Documents
- 4-8: Method for Completion of Public Improvements
- 4-9: Review by Town Staff
- 4-10: Certificates and Acknowledgments
- 4-11: Town Council Action
- 4-12: Recording of the Final Plat
- 4-13: Duration of Approval/Extension of Time
- 4-14: Reversion to Acreage Plat

4-1: PREPARATION:

- A. Conformance with Preliminary Plat: After approval of a Preliminary Plat by the Planning Commission, the subdivider may, within the one-year Preliminary Plat approval period (or as extended), cause a Final Plat of the subdivision or any part thereof to be prepared in accordance with a completed survey of the subdivision and in conformance with the approved Preliminary Plat within the provisions of this Regulation. The Final Plat shall be reviewed and approved by the Town Council.
- B. Monuments: The survey and Final Plat shall be made by a registered civil engineer or licensed land surveyor who shall set sufficient durable monuments so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by the Director of Public Works.

4-2: CONFORMANCE TO STANDARDS OF DESIGN:

The Final Plat shall conform in all respects to the standards of design set forth in Chapter 2 of this Regulation, unless any nonconformance has been specifically shown on the approved Preliminary Plat and approved by the Planning Commission.

4-3: PLAT REQUIREMENTS:

- A. Scale: The Final Plat shall be clearly and legibly delineated upon mylar, vellum or other tracing material of acceptable quality. All lines, letters, figures, dedications, certificates, acknowledgments and signatures shall be made in black, waterproof India ink or equal. The net size of each sheet shall be twenty four by thirty six inches (24" x 36"). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one-half inch (1/2"), except the left margin which shall be two inches (2"). The scale of the plat shall be large enough to show all details of the subdivision or part thereof to be recorded and enough sheets shall be used to accomplish this end.
- B. Numbering Sheets: If more than one sheet is required, each sheet shall be numbered, the relation of one sheet to another clearly shown and the number of sheets shall be set forth on each sheet.
- C. Scale, North Point, Sheet Number: The scale, north point and sheet number shall be shown on each sheet of the Final Plat. The scale shall be fifty foot (50'), one hundred foot (100') or two hundred feet (200') to the inch.
- D. Plat Notes: A statement labeled "Plat Notes" shall be shown on one sheet of the Final Plat. Such statements shall include the basis of bearings, what monuments were found, what monuments and points were set, a key to symbols and abbreviations and such other information as required or deemed necessary.
- E. Surveys: Surveys made in preparation of Final Plats shall be made in accordance with standard practices and principals of surveying. A traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one-foot (1') for every twenty-five thousand feet (25,000').
- F. Electronic Format: One copy of the final plat will be supplied in disk format.

4-4: DATA REQUIRED:

In addition to the data noted in Section 3-6 of this Regulation, the following additional data or clarifications shall be shown on each Final Plat:

- A. Dates: Dates of survey and preparation of plat. The Final Plat shall be prepared and sealed by a registered land surveyor or professional engineer, registered in the State of Arizona. The name, address, registration number and seal of the surveyor or professional engineer who prepared the Final Plat shall be indicated on the Final Plat.
- B. Street Names and Locations: Locations and names, without abbreviations, of all proposed streets and alleys; proposed public areas and easements; adjoining streets.

- C. Lot Dimension: Dimensions of all lots; lots containing one acre or more shall show net acreage to the nearest hundredth of an acre. Ditto marks shall not be used.
- D. Street Lines and Lengths: Center lines of all streets and lengths, tangent radius and central angle or radial bearings of all curves; and the bearings of radial lines to each lot corner of a curve; the width of each street, the width of the portion being dedicated and the width of existing dedication.
- E. Line Bearing and Length: Sufficient data to determine readily the bearing and length of each line.
- F. Survey Control Points: Suitable primary survey control points.
- G. Adjacent Subdivision Ties: Ties to and recording referenced to adjacent subdivisions and section corners, or two (2) known monuments as appropriate.
- H. Easement Data: Center line data, width and side lines of all easements to which the subdivision is subject. Distances and bearings on the side lines of lots which are cut by an easement shall be shown as to indicate clearly the actual lengths of the lot's lines. The width of the easements and the lengths and bearings of the lines thereof and sufficient ties to locate the easements definitely with respect to the subdivisions shall be shown. The easement shall be clearly labeled and identified and, if already of record, proper reference to the records given. Easements being dedicated shall be so indicated in the certification of dedication. Conditions of use of by owner of the easements shall be noted. Easements shall be shown on the plat by broken lines.
- I. Boundary Evidence: Clear indication of stakes, monuments or other evidence on the ground to determine the boundaries of the subdivision.
- J. **The Final Plat must also show the grid for addressing each property of the subdivision.**
- K. Any variations or waivers to the standards of this Regulation shall be specifically stated on the Final Plat.
- L. A signature block shall be provided on the Final Plat for approval by the Town, under the signature of the Mayor and Town Manager, and attested to by the Town Clerk, as follows:

This Final Plat and related improvement plans were approved by the Mayor and Council of the Town of Taylor on ____ day of ____, ____, subject to any conditions as outlined below and as noted in the minutes from the Council meeting of ____ day of _____, _____.

(signature of the Mayor)

(signature of the Town Manager)

Attested to by:

(signature of the Town Clerk)

Conditions of approval as follows: _____

4-5: CENTER LINES AND BOUNDARIES:

Wherever the surveyor or engineer has established the center line of a street or alley, that data shall be considered in making the surveys and in preparing the Final Plat, and all monuments found shall be indicated and proper reference made to field books or plats of public record relating to the monuments. If the points were reset by ties, that fact shall be stated. The Final Plat shall show Town and Country boundaries adjoining the subdivision.

4-6: LOT DESCRIPTION AND IDENTIFICATION:

- A. Numbering: Lots shall be numbered consecutively on each Final Plat with no omissions or duplications. Each lot shall be shown in its entirety on one sheet. Lots used for streets, alleys, recreational purposes or tracts shall be lettered.
- B. Corner Marking: All lot corners shall be marked with pipe or iron rods and marked with the engineer's or surveyor's number before recording of Final Plat; minimum: pipe one-half inch (1/2") x fifteen inches (15").

4-7: FILING; ACCOMPANYING DOCUMENTS:

Two (2) mylar copies of the Final Plat shall be filed in the office of the Planning Official for review, and shall be accompanied by the following:

- A. Distribution: Five (5) positive print copies, prepared and sealed by a registered land surveyor or professional engineer, which shall be distributed as follows:
 - 1. One (1) to the Planning Official;
 - 2. One (1) to the Public Works Department;
 - 3. One (1) to the County Health Officer; and
 - 4. One (1) to the Zoning Administrator.

5. One (1) to the Building Official.
- B. Improvement Plans and Specifications: Plans and specifications of the proposed improvements, including street, sewer, electric and water utilities, drainage, flood control and improvements meeting adopted Town construction standards and specifications. Plans shall be sealed by a professional engineer.
- C. **Two (2) mylar copies and three (3) positive prints of the design plans of the proposed Water Distribution System, Sewer Collection System, Treatment System or systems, and Street Improvements to be reviewed and signed by the Public Works Director for approval.**
- Having received such approval, water and sewer designs, where applicable, will also be submitted to the Arizona Department of Environmental Quality (ADEQ) and/or the Arizona Department of Water Resources, and construction of such utilities shall not begin until their respective approvals to construct have been issued.**
- D. Covenants, Conditions and Restrictions (CC&R's): A copy of the protective covenants (CC&R's, also known as deed restrictions) to be recorded. Said covenants shall provide for the raising and expenditure of funds necessary for the maintenance of any private streets shown on the plat and for the maintenance of common area landscaping.
- E. Method and estimated cost for the completion of all public improvements: The subdivider is to supply a list of all public improvements and their estimated installation cost to the Public Works Director for review and comment. This list shall be sealed by a professional engineer. The method for completion of the public improvements, in one of the manners prescribed in Section 4-8 of this Regulation, shall be indicated in an attached written letter signed by the subdivider.
- F. A list of each lot, parcel and/or tract, by number or letter, shall be submitted that identifies the lot width and area. Such list shall be signed and sealed by the surveyor or registered engineer that prepared the Final Plat.
- G. Evidence of Title, as provided for in Section 5-4 of this Regulation.

4-8: METHOD FOR COMPLETION OF PUBLIC IMPROVEMENTS:

The method and estimated cost for the completion of all public improvements prepared by an engineer licensed in the State of Arizona shall be required to be noted by the

subdivider at the time of Final Plat submittal in writing, and shall require the approval of the Town Council concurrent with review and action on the Final Plat. A subdivider shall provide for the method for completion of all public improvements in one of the following manners:

- A. Financial assurance in the form of a bond, trust, improvement district or some other appropriate form shall be reviewed and approved by the Town Council at the time of Final Plat approval. The financial assurance shall be provided to the Planning Official in the approved form and amount prior to recording of the Final Plat. The release of any form of financial assurance for completion of public improvements shall not occur until such time as the public improvements have been formally accepted by the Town Council, and the Town Council has directed staff to release such financial assurance; or,
- B. As an alternative to financial assurance, the Town Council may approve the Final Plat for a subdivision (by resolution) and instruct the Planning Official to withhold the recording of the plat until such time as all public improvements are in place and deemed acceptable by the Town Council. In such cases, recording of the Final Plat shall not occur until the Town Council has formally accepted the public improvements.

4-9: REVIEW BY TOWN STAFF:

After acceptance of a complete submittal for the Final Plat, including all required accompanying supplemental information, the staff shall examine the Final Plat as to sufficiency of affidavits and acknowledgments, correctness of surveying data, mathematical data, computations, design completeness and such other matters as require checking to ensure compliance with the provisions of this Regulation.

4-10: CERTIFICATES AND ACKNOWLEDGMENTS:

The Final Plat shall show all certificates and acknowledgments. They shall appear on the Final Plat, or they may be combined on a separate sheet of the same size and material as the Final Plat.

4-11: TOWN COUNCIL ACTION:

- A. The Town Council, upon notice by the Planning Official that a Final Plat, Improvement Plans, method and amount of financial assurance (including alternative financial assurances as provided for in Section 4-8 of this Regulation), and other supporting documentation meeting the requirements of this Regulation have been submitted, reviewed and deemed acceptable, shall schedule discussion and possible action on the proposed Final Plat for the next available Town Council meeting.

- B. The Town Council, after a regularly scheduled advertised public hearing, may approve, conditionally approve, or deny the Final Plat, or continue a decision to a later date. Any action shall include approval, conditional approval or denial of the method and or amount of financial assurance for the completion of public improvements as provided for in Section 4-8 of this regulation, and may include review and comment on the improvement plans, and reports.
- C. Approval may include such conditions as deemed necessary to ensure the health, safety, general welfare, orderly growth and harmonious development of the Town.
- D. Approval or conditional approval of a Final Plat shall include instructions to the Planning Official regarding the completion of the public improvements and recording of the Final Plat (as provided for in Section 4-8 of this Regulation).

4-12: RECORDING OF THE FINAL PLAT:

Prior to recording of the Final Plat, the subdivider shall submit two (2) mylar copies of the Final Plat, indicating any conditions of approval or revisions as required by approval of the Town Council, shall be submitted to the Town for final review and signature by the Mayor and Town Manager. The developer shall pay all recording fees.

In accordance with Sections 4-8 and 4-11 of this Regulation, the two (2) signed Final Plats shall be taken by the Planning Official, Town Clerk or a designee to the office of the Navajo County Recorder, where one copy will be recorded and the other copy, with the recording information attached, will remain in the possession of the Town. The subdivider may submit conforming copies.

4-13: DURATION OF APPROVAL/EXTENSION OF TIME:

- A. Approval time frame: Approval of a Final Plat by the Town Council shall be for a period of one-year from the date of approval. Failure to record a Final Plat within one-year from the approval or conditional approval of the Final Plat, or within any extension of approval of the Final Plat granted by the Town Council, shall terminate all proceedings.
- B. Time extension: Upon application by the subdivider, an extension for recording of the Final Plat for an additional one-year may be granted by the Town Council. The Town Council may approve an additional extension of time for recording the Final Plat if circumstances exist beyond the control of the subdivider.
- C. Application for extension: Any application of a subdivider for such extension of time for the recording of a Final Plat shall be made in writing to the Town Council not less than thirty (30) days prior to the expiration of the one-year approval period. Such request shall state the circumstances as noted above. All persons

appearing as owners or authorized agents of the subdivision shall execute the request for extension.

- D. Extension: Approval of any time extension for recording of the Final Plat shall require formal approval by the Town Council.

4-14: REVERSION TO ACREAGE PLAT:

- A. Marking: Plats filed for the purpose of reverting subdivided lands to acreage shall be conspicuously marked under the title, "The Purpose of this Plat is a Reversion to Acreage".
- B. Procedures: Procedures for the purpose of reversion to acreage are the same as that required for a final plat, except that dedications, improvements and improvement plans may not be required.

CHAPTER 5

DEDICATION AND IMPROVEMENTS

SECTION:

- 5-1: Dedication
- 5-2: Improvement Standards
- 5-3: Improvement Plans
- 5-4: Evidence of Title
- 5-5: Construction and Inspection
- 5-6: Soil and Materials Tests
- 5-7: Protective Covenants and Restrictions

5-1: DEDICATION:

- A. Offer: All streets, highways, alleys and parcels of land shown on the Final Plat and intended for any public use shall be offered for dedication. Such dedications shall be free of all and any encumbrances incurred subsequent to the date of filing of the Preliminary Plat.
- B. Private Streets Indicated: The fact that any streets and ways are private shall be clearly indicated on the plat.
- C. Special Easement Dedications: When in the opinion of the Planning Commission the location of the proposed subdivision is such that a significant impact may develop between future residents of the subdivision and existing land uses in the vicinity, appropriate special easements dedicated to adjacent property owners may be required of the subdivider prior to recording of the Final Plat.

5-2: IMPROVEMENT STANDARDS:

All improvements shall be according to the subdivision improvement standards as established in this Regulation, except as otherwise approved, adopted or provided for herein.

5-3: IMPROVEMENT PLANS:

- A. Required: All improvements made, constructed or installed in subdivisions shall be according to full and detailed plans and specifications as approved in writing by the Public Works Director prior to the commencement of said improvement work.

- B. Approval: Such plans and specifications as required by the Public Works Director, including roadway improvement plans, Grading and Drainage plans, Water plans and Sewer plans, shall be submitted to and approved by the Public Works Director before submitting the Final Plat to the Town Council.
- C. Applicability: This Section shall include all work done in the subdivision whether such work is required by the Town or is done at the option of the subdivider.
- D. Dead-end Streets: Plans for improvements of streets which temporarily dead end at the subdivision boundary shall include data sufficient to determine that the future extensions of such streets are feasible where necessary. Dead end streets will have a turning area and permanent barriers are provided.

5-4: EVIDENCE OF TITLE:

At the time the Final Plat is filed in the office of the Planning Official, it shall be accompanied by the evidence of title, which shall be in the form of a certificate of title, a preliminary title report or a policy of title insurance issued by a title company authorized by the laws of the State of Arizona to write the same, showing the names of persons having any interest and any record title interest in the land to be subdivided, together with the nature of their respective interests therein. Such evidence of title shall not be prepared in excess of ninety days prior to the date of submittal of the Final Plat.

5-5: CONSTRUCTION AND INSPECTION:

All improvements in the public right-of-way shall be constructed under the general inspection and approval of the Town. Primary responsibility for control of the quality of the improvements remains with the subdivider, and he shall, upon completion of the improvement, provide a certificate from a registered professional engineer that all work has been completed in accordance with approved plans and specifications as specified in this Regulation. Any modifications must have approval of the Director of Public Works and/or the Town Engineer. It should not be expected that inspection by representatives of the Town will in any way eliminate the need for regular inspection during the entire construction period by the subdivider's project engineer. The Public Works Department shall be notified at least three (3) working days prior to the restart of construction.

5-6: SOIL AND MATERIALS TESTS:

The Public Works Department shall have the right to enter upon the sites of improvements for the purpose of inspecting them and shall be furnished with soil and materials tests by a competent laboratory as may be required to determine the acceptability of such materials. The costs of these tests shall be borne by the subdivider.

5-7: PROTECTIVE COVENANTS AND RESTRICTIONS:

A copy of the recorded protective covenants and restrictions will be provided for the Town Council upon recordation of the Final Plat.

CHAPTER 6

MINOR LAND DIVISIONS

SECTION

- 6-1 General Statement
- 6-2 Authority
- 6-3 Applicability
- 6-4 Process
- 6-5 Pre-application Conference
- 6-6 Design Standards and Requirements
- 6-7 Minimum Required Improvements
- 6-8 Application Submittal
- 6-9 Minor land division requirements
- 6-10 Lots not permitted
- 6-11 Application approval
- 6-12 Denial and Appeal

6-1: GENERAL STATEMENT

In order to control the division of lands within the Town, the hereinafter regulations have been developed. The purpose of these regulations is to insure that the creations of new parcels of land two and one-half acres or under in size shall be of such character that there is access to a dedicated public roadway, adequate easements are available for utility services, adequate access is available for emergency vehicles, minimum lot sizes are maintained in accordance with the Zoning Ordinance and that the land split will not adversely affect the Town's General Plan.

6-2 AUTHORITY

The authority to regulate land splits within the corporate limits of cities and towns is given by Arizona Revised Statutes 9-463.01-L; "land splits" being defined as the division of improved or unimproved land whose area is two and one-half acres or less into two (2) or three (3) tracts or parcels for the purpose of sale, lease or financing.

6-3 APPLICABILITY

For the purpose of this regulation, a minor land division shall constitute the following acts, and shall be subject to the provisions of this regulation:

- A. "Land Splits" as defined in this Regulation.

- B. The division of improved or unimproved land or lands for the purpose of financing, sale , or lease, whether immediate or future, into two (2) or three (3) lots, tracts, or parcels of land, and when a new street is not involved.
- C. The division of improved or unimproved land or lands for the purpose of financing, sale, or lease, whether immediate or future, into more than two (2) parts, and when the boundaries of such property has been fixed on a recorded plat.
- D. Lot line adjustments.
- E. Maps of dedication.

6-4 PROCESS

The preparation, submittal, review, and approval of all minor land divisions shall proceed through the following progressive stages, except when otherwise provided herein:

- A. Pre-application conference with the Planning Official, Zoning Administrator, and Director of Public Works.
- B. Submittal of the minor land division application and map by the subdivider and review by the Town staff.
- C. Approval, conditional approval or denial of the application by the Planning Official.
- D. Recordation of the approved minor land division.

6-5 PRE-APPLICATION CONFERENCE

The pre-application conference stage is an investigatory period preceding the preparation and submittal of the application by the subdivider. The subdivider shall initially present the proposal to the Town staff who shall advise the subdivider of the specific public objectives, standards, and regulations related to the property and the procedure for minor land division review.

6-6 DESIGN STANDARDS AND REQUIREMENTS

Except where expressly modified or permitted by the Planning Official, all minor land divisions shall be in general conformity with the lot, street, block, alley, and easement design standards and requirements specified for subdivisions. All lots created shall conform to existing zoning and the Town General Plan.

6-7 MINIMUM REQUIRED IMPROVEMENTS

- A. Except where otherwise provided in this section, it shall be the responsibility of the subdivider to improve or agree to improve all streets, pedestrian ways, and easements in the minor land division and adjacent thereto required to service the division, and to construct and install all such other improvements as specified for subdivisions. No permanent improvement work shall commence until improvement plans have been approved by the Director of Public Works.
- B. Improvements may be waived in the following situations:
1. For lot line adjustments where no new lot is created;
 2. For a map of dedication;
 3. When the division is to allow the construction of a single family dwelling or manufactured home and the Public Works Director determines that less than fifty (50) percent of the half street right-of-way for the side of the block on which the property is located would be improved as a result of such condition; or
 4. In any case where the Public Works Director determines that the improvement of all the abutting street or the installation of all other normally required improvements would be impractical because of considerations such as, but not limited to: type and extent of existing street improvements; inability to establish a proper street grade or alignment; physical barriers such as excessive terrain grade or washes, buildings or other structures; or other special circumstances where, in the opinion of the Public Works Director, the immediate installation of the improvements is not deemed necessary to protect the public health, safety, and general welfare, and that the waiver of the improvement requirements would not impair the purpose and intent of this regulation. Provided, however, under no condition will the requirement to extend and install sewer and water be waived, if said are available.
 5. The Planning Official may require as a condition for the waiver of the required improvements, the execution of an acceptable form of assurance to the Town of Taylor attesting that the owner(s), their heirs, successors, or assigns agree that they will participate in the cost of the improvements abutting their property at a later date whenever it is deemed necessary by the Town based on future development in the immediate area.

6-8 APPLICATION SUBMITTAL

The subdivider shall submit an application in the form prescribed by the Town together with the application fee established by Town Council resolution and the information and materials required by this regulation. The subdivider shall also submit a title report showing the ownership history of the property demonstrating that a subdivision is not required.

6-9 MINOR LAND DIVISION REQUIREMENTS

- A. All divisions shall be designed to comply with the requirements of the specific zoning district within which it is located.
- B. No lot or parcel shall be divided in such a way that any division of such lot or parcel shall contain more dwelling units than are permitted by the zoning ordinance for which district such lot is situated. Any newly created lots shall be of sufficient size and configuration to meet applicable zoning classifications.
- C. Any newly created lots shall have adequate access to public roads or highways.
- D. Any newly created lots shall have adequate access to all utilities necessary and appropriate for the development proposed on the property to be divided.
- E. The land split shall not adversely affect public health, safety, convenience or welfare.
- F. Any information required as part of the land division submittal shall be shown graphically, or by note on plans, or by letter, or by any combination thereof, and may comprise several sheets showing various elements of the required data.
- G. All minor land division maps shall contain the following information:
 - 1. Location by quarter-section, section, township, and range.
 - 2. Legal description of the property.
 - 3. Name, address, and phone number of the subdivider.
 - 4. Scale, north point, and dates of preparation and revisions.
 - 5. Existing street dedications, on and off-site utility easements, and lot lines of all adjacent properties must be indicated by subdivision name and Navajo County Recorder's Office Book and Page number; unsubdivided land must be identified as such.

6. Name, address, registration number, and seal of the registered land surveyor preparing the map.
7. Boundaries of the land to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
8. One (1) corner of the of the map shall be tied by course and distance to a survey monument approved by the Town.
9. All existing and proposed drainage easements and natural drainage features.
10. All existing irrigation easements on the property.
11. All lots shall be identified by number or letter.
12. Proposed street dedications and public utility easements shall be identified by course, length and width.
13. Certification by a registered land surveyor preparing the map that the map is correct and accurate, and that the monuments described in it have been located as described.
14. The location and size of all proposed utilities.

6-10: LOTS NOT PERMITTED:

A. "T" or "L" shaped lots are not permitted which provide access to a street.

B. Lot frontage shall be as required by the zoning ordinance.

6-11 APPLICATION APPROVAL

If the Planning Official finds that the proposed land division meets all the requirements of this regulation, the application shall be approved or conditionally approved. The Planning Official shall transcribe a certificate of approval on the map, first making sure that:

- A. All conditions of approval have been complied with;
- B. The other required certifications have been duly signed; and
- C. That any instruments for required street right-of-way and utility easement dedications have been prepared, executed, and recorded.

After the approval of the minor land division and certification of approval by the Planning Official, the applicant shall pay to the Town the fee charged by Navajo County for recoding the map. The Planning Official shall then promptly record such map.

6-12 DENIAL AND APPEAL

- A. If the Planning Official disapproves the application, the subdivider shall be furnished a letter stating the reasons for the denial. The application may be re-filed if suitable revisions can be made to resolve the conflicts noted by the Planning Official. No additional fee will be applicable if re-filing is accomplished within thirty (30) calendar days of the notice of denial.

- B. In the event that that the applicant is aggrieved by the decision of the Planning Official, they may appeal the decision to the Planning Commission and Town Council. In the event an appeal is requested, the matter shall be placed on the Planning Commission agenda for a public hearing. The Commission will forward a written recommendation to the Town Council, who will have authority to take action on the appeal.

CHAPTER 7

ENFORCEMENT; LIABILITY

SECTION:

- 7-1: Building Permit; When Not Issued
- 7-2: Legal Proceedings; Abatement
- 7-3: Remedies cumulative
- 7-4: Liability

7-1: BUILDING PERMIT; WHEN NOT ISSUED:

No permit shall be issued for the erection or use of any structure or part thereof to be located in a subdivision or a minor land division, that is not in accordance with the provisions of this Regulation. Any such permit issued shall be void and of no effect.

7-2: LEGAL PROCEEDINGS; ABATEMENT:

Any building or structure erected or maintained on a lot or parcel of land that is subject to this Regulation, created or established after adoption of this Regulation and that is contrary to the provisions of this Regulation, shall be and same is hereby declared to be unlawful and a public nuisance, and the Town Attorney shall, upon order of the Town Council, immediately commence action or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other steps, and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such building or structure.

7-3: REMEDIES CUMULATIVE:

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correction prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

7-4: LIABILITY:

No liability shall be created on the part of the Town or any district, office, department or employee thereof for any damages that may result from the application of these regulations or any administrative decision thereunder.