



ORDINANCE 2005A292

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA AMENDING SECTION 108 OF THE ZONING ORDINANCE AMENDING SUBSECTIONS K - LAND DIVISION BY REQUIRING A MINOR LAND DIVISION PERMIT AND SUBSECTION L – STREETS AND ALLEYS PROVIDING FOR DEVELOPMENT ON PRIVATE EASEMENTS AND CONSTRUCTION STANDARDS FOR PRIVATE EASEMENTS.

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance in Ordinance 87 A23, approved July 9, 1987 and,

WHEREAS, Section 113 of the Planning and Zoning Ordinance allows for the amendment, supplement or change of zoning boundaries or zoning text regulations of the Planning and Zoning Ordinance by the Town Council and,

WHEREAS, the Town Council has an abiding interest in protecting the public health, safety, and welfare by establishing requirements for provisions of the Planning and Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE:

SECTION 108.K – LAND DIVISION

- I. K. **LAND DIVISION** ~~into lots results in creation of new roadways, additional homes the establishment of population densities and the need for Town necessity to provide services. Thus It is important to for the public welfare that such land division has and the results of it need proper guidance and control. In no way is it intended by this subsection to prohibit the division of land as authorized by Arizona State Law and the Town's subdivision regulations that pertain to the creation of four or more lots or parcels of tracts of land. Any lot or parcel established within the Town limits containing 2.5 acres or less will be subject to review by the Community Development Director Department and may require a minor land division permit, if the parcels do not fall under the subdivision regulations.~~

1. **Minor Land Division:** Any parcel or tract of land containing 2.5 acres or less split into two or three separate lots or parcels of land must have a Land Division Permit approved by the Community Development Department.
 - a. This approval will ensure the newly created lots or parcels:
 - 1). Comply with applicable zoning regulations;
 - 2). Are not creating land-locked parcels;
 - 3). Do not constitute a subdivision; and
 - 4). Ensure access is provided to all newly created parcels.
 - b. A minor land division permit is required if property is split by:
 - 1). Recording a contract of sale;
 - 2). Recording a deed of conveyance; and/or
 - 3). Requesting a split of a tax assessor parcel
 - c. Upon receipt of a complete Minor Land Division Permit application, the Director shall respond to the permit request within ten (10) working days. A denial can be based on any one of the following:
 - 1). The parcels resulting from the division do not conform to size, width/depth requirements and other zoning regulations;
 - 2). A parcel or adjacent property becomes landlocked and do not have legal access; and/or
 - 3). The division of land would result in a subdivision as defined by the subdivision regulations.
 - d. The application shall include:
 - 1). A legal description of the property;
 - 2). A comprehensive list of all property owner(s), buyer(s) as well as any other parties of interest to the land division;
 - 3). A description of how the newly created parcels will be accessed, including any of the following:
 - a) A recorded easement or a proposed easement to be recorded when the lot is split; or
 - b) Fronts onto a dedicated right-of-way or street.
 - 4). A map, drawn to scale, showing the following:
 - a) Existing and proposed property lines;
 - b) Access and utility easements;
 - c) Dimensions and the location of existing structures along with a brief description of use (i.e., residence or type of use for accessory structure).
 - 5). Any fee(s) for filing a Minor Land Division Permit application shall be listed in the Town Fee Schedule.

2. **Lot Line Adjustment:** Land taken from one (1) or more parcels that is added to an adjacent parcel without creating any additional parcels. A lot line adjustment shall not be considered a land division or lot split under the terms of the subsection provided that the proposed adjustment does not:
 - a. Create any new lot;
 - b. Cause any existing lot to become substandard in size or shape;
 - c. Make substandard the setbacks of existing development on the affected property; and/or
 - d. Impair any existing required access, easement or public improvement.

3. **Lot Dimensions and Area:** No lot shall be established which is smaller than the minimum width/depth dimensions and area for the density district regulations, unless it is designed to meet a special need such as for accessing a well or meeting a similar need. In no instance shall a structure be built that does not comply with the town's zoning regulations.
 - a. ~~Substandard Lots, having dimensions or area smaller than required by the density district that were legally established when district density regulations were established, shall be considered legal, non-conforming lots in that District.~~
 - a. **Combined Lots**, which have had buildings built across multiple lots, shall be considered as one lot with the front of the individual lots considered as the front of the combined lots.
 - b. **Wedge Irregular-Shaped** lots shall be considered legal width lots when at least one side of the width/depth dimensional requirements for the zoning district can be met as well as all setbacks stipulated for that land use zone. ~~the wedge irregular shaped lots (measured at the front required setback line) are not less than the required width for a lot having parallel sides; however, a deeper setback line may be shown on a recorded plat. The minimum lot width can be measured from this line.~~

4. **Subdivision Plat Approval**: The subdivision of land into four or more lots shall be contingent upon the recording of an approved subdivision plat, the features of which shall conform to the provisions of the subdivision ordinance and other provisions of this ordinance. Such plat shall first be submitted to the Planning and Zoning Commission for review and recommendations.

Approval shall be withheld (until acceptable corrections are made) if the creation of lots has been determined to be not suitable due to such features or conditions as flooding or poor drainage, steep slopes, rock problems, sanitary deficiencies, ~~poor design~~, improper access to public roadway, or other conditions likely to effect public health, safety, convenience and general welfare.

- II. **L. STREETS, AND ALLEYS, OR PRIVATE EASEMENT STANDARDS**: ~~In this ordinance when the term "street" is used, the term is defined as a street right of way dedicated for public use or a street easement dedicated for public use, except as may be indicated otherwise on an approved and recorded plat.~~

1. **Frontage Requirement**: ~~Any~~ No lots smaller than 2.5 acres shall be established ~~requesting a~~ and no building permits issued for new or existing lots ~~without dedication of any necessary right of ways~~ shall front onto a publicly dedicated street or a private easement recorded for access or ingress/egress purposes. This regulation ensures access to any and all lots within the town. Streets are governed by the Uniform Standard Specifications and Uniform Standard Details adopted by the Town Council in 1994. A private easement shall be attached to the deed of any parcel granting access to cross private property to provide ingress/egress to another private property. Newly created lots or parcels are required to obtain an approved Minor Land Division permit as noted in subsection K of Section 108 to ensure access to all parcel(s) within the town.
2. **Right-Of-Way or Easement(s) Widths and Standards**: New street widths shall correspond with standards established in the Camp Verde, Arizona supplement to the Uniform Standard Specifications and Uniform Standard Details.
- a. The Director or his/her designee will determine the ingress/egress or access needs for any newly created lot or parcel resulting from a land division or lot split application based on the following:
- 1) Existing roadway alignments;
 - 2) Topographical conditions;
 - 3) Adjacent property ownership and uses; and
 - 4) Other pertinent factors that would affect future growth and development in the immediate area.

- b. Private easements shall adhere to the following conditions to ensure access to all property within the town:
1. Be a minimum of twenty four feet (24') in width and meet established construction standards (see Table 1 – Private Drive and Easement Construction Standards), connect to an existing street or private easement and establish a cul-de-sac or turnaround at terminus of the private access to accommodate emergency vehicles;
 2. Property owners shall establish a road maintenance agreement to be recorded with each lot split or newly created parcel to ensure access to all parcel(s) within the town limits is provided as stipulated by the town;
 3. Where two or more residences are located on a private drive or easement, the applicant is responsible for naming the access, subject to town review and approval, as well as any associated fees for signage of the private street; and
 4. The Town will encourage compliance with the private drive or easement standards and is in no way obligated to maintain or improve these private easements, since they are private property. However, when the following criteria is met then construction or development on parcels created and recorded on or before February 26, 2005 can occur:
 - (a) The parcel must have a legally recorded easement;
 - (b) The Camp Verde Fire District shall approve in writing any private drive or easement to ensure public safety services can be provided to any qualified lot or parcel;
 - (c) An approved and executed road maintenance agreement for the private drive or easement, which may include the petitioner agreeing to accept sole responsibility to maintain the private road;

Table 1
Town of Camp Verde
Private Drive or Easement Construction Standards

<u>Index of Potential Development</u>	<u>Level 1 5 or less Dwelling Units</u>	<u>Level 2 6 to10 Dwelling Units</u>	<u>Level 3 More than 10 Dwelling Units</u>	<u>Level 4 Commercial/Minor Manufacturing Uses</u>
<u>Width of Drive or Easement</u>	<u>24 feet</u>	<u>32 feet</u>	<u>40 feet</u>	<u>50 feet</u>
<u>Number/width of travel lanes</u>	<u>Two 10 foot Travel lanes</u>	<u>Two 12 foot Travel lanes</u>	<u>Two 12 foot lanes and may require a turn lane</u>	<u>Two 12 foot lanes & a 10 foot turn lane</u>
<u>Type of Surface Improvement</u>	<u>Four inches of compacted aggregate base course (abc)</u>	<u>Four to Six inches of abc and may require some surface improvement</u>	<u>Six inches of abc subbase and surface improvements such as chip-seal or asphalt depending on analyses of data</u>	<u>Soils test with engineered base and drainage study and improved surface determined by types of traffic and volume</u>

3. **Easement Setback Requirements:** Shall be the lines from which setbacks for structures (other than signs, fences and free-standing walls) shall be measured to comply with the District requirements, and no structure shall be located or extended nearer to the lot boundary than the setback from this dedicated right-of-way or the boundary of the public/private access easement to avoid future problems as development occurs adjacent to these access or ingress/egress easements.

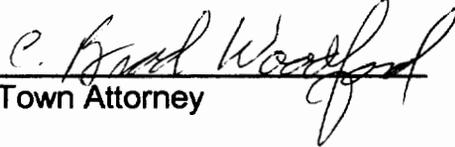
PASSED AND ADOPTED by a majority vote of the Town Council in an open meeting by the Town Council, Town of Camp Verde, Arizona, on the **26th day of January 2005**, to be effective when publication and posting, pursuant to ARS 9-813, is completed.

Approved: 
Mitch Dickinson, Mayor

Date: JAN 28, 2005

Attest: 
Deborah Barber, Town Clerk

Approved as to form:


Town Attorney