

Article 13 – Subdivision and Land Split Regulations

Sections:

- Sec. 13.1 Purpose and Authority**
- Sec. 13.2 Applicability**
- Sec. 13.3 Subdivision Procedures and Requirements**
- Sec. 13.4 Tentative Plat**
- Sec. 13.5 Final Plat**
- Sec. 13.6 Minor Subdivisions**
- Sec. 13.7 Land Splits, Boundary Adjustments and Combinations**
- Sec. 13.8 Subdivision Design Standards and Requirements**
- Sec. 13.9 Subdivision Improvements and Assurances**
- Sec. 13.10 Subdivision Abandonment**
- Sec. 13.11 Vacation of Streets and Easements**
- Sec. 13.12 Appeals**

Sec. 13.1 – Purpose and Authority

Paragraphs:

- 13.1.1 Short Title**
- 13.1.2 Authority**
- 13.1.3 Purpose and Intent**

13.1.1 – Short Title

The City's Subdivision and Land Split Regulations shall also be known as the "Subdivision Regulations."

13.1.2 – Authority

The Subdivision Regulations are subject to the requirements and procedures of Arizona law, specifically A.R.S. Title 9, Article 6.2 concerning municipal Subdivision regulations; Title 32 concerning the sale of lands; and Title 33 concerning Condominiums.

13.1.3 – Purpose

The purpose of this article is to:

- A. Ensure that all land divisions, including Land Splits and Subdivisions, are in conformance with the City's land development regulations;
- B. Establish minimum standards for land divisions and Subdivisions;

- C. Ensure that all Lots or Parcels are provided with infrastructure improvements;
- D. Provide an expedient and consistent review process;
- E. Obtain accurate survey and permanent public record of the boundaries of Lots created by the division of lands and Subdivision Plats;
- F. Facilitate the conveyance of land by reference to an accurate legal description by means of a recorded Subdivision Plat; and
- G. Provide a convenient method of describing property being conveyed.

Sec. 13.2 – Applicability

Paragraphs:

- 13.2.1 General Applicability**
- 13.2.2 Applicable Processes**

13.2.1 – General Applicability

- A. The City shall not approve a Final Plat of a Subdivision or Land Split unless it conforms to the provisions of this Chapter.
- B. No person shall sell or commence any development or construction upon any portion of a proposed Subdivision or a proposed Land Split until a Final Plat or Land Split map has been recorded.
- C. The provisions of this Chapter apply to all residential or commercial Subdivisions, Condominiums, Land Splits, and boundary adjustments as further described below, except for the following:
 - 1. The sale or exchange of Parcels of land to or between adjoining property owners if such sale or exchange does not create additional Lots;
 - 2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership;
 - 3. The leasing of apartments, offices, stores, or similar space within a building or trailer park; or
 - 4. The leasing of mineral, oil, or gas rights.

13.2.2 – Applicable Processes

A. As used within this Article, Subdivision, Minor Subdivision process, Land Split, and boundary adjustment are described as follows (definitions of these terms are provided in Article 17, Definitions):

1. Subdivision:

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

- i. Four or more Lots, tracts or Parcels of land;
- ii. Two or more Lots, tracts or Parcels of land, if a new street is involved; or
- iii. Three or more Lots, tracts or Parcels, the boundaries of which have been fixed by a recorded Plat.

b. Subdivision applications are required to adhere to the full review and approval process described in this Article.

2. Minor Subdivision Process: The Minor Subdivision process applies to Subdivisions where a maximum of ten Lots is proposed to be created.

3. Land Split:

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

- i. No more than two Lots, tracts, or Parcels, the boundaries of which have been fixed by a recorded Plat; or,
- ii. Two or three Lots, tracts, or Parcels located within unsubdivided lands.

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

4. Boundary Adjustment: The Land Split process is used when the Lot line between two adjoining Parcels requires adjustment, regardless of the acreage.

Sec. 13.3 - Subdivision Procedures and Requirements

Paragraphs:

13.3.1 Subdivision Procedures and Requirements

13.3.2 Pre-Application Conference

13.3.1 – Subdivision Procedures and Requirements

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

- A. Pre-application Conference (See Paragraph 13.3.2);
- B. Tentative Plat (See Section 13.4); and
- C. Final Plat (See Section 13.5).

13.3.2 – Pre –Application Conference

The Applicant and the Applicant’s engineer shall meet with the Director and City Engineer on an informal basis at a pre-application conference to initially present the proposal. The pre-application meeting shall include the following:

- A. The Applicant shall present to the Director and City Engineer a concept subdivision proposal, which shall include draft subdivision plans showing proposed land use, street, and Lot arrangement; Lot sizes; and conceptual proposals regarding water supply, sewage disposal, grading and drainage, traffic impacts, and street improvements.
- B. The Director and the City Engineer shall advise the Applicant of specific public objectives, standards, and regulations related to the subject property and proposed Subdivision, details regarding Subdivision design and improvement standards, and general platting procedures and requirements. The Director and City Engineer shall also advise the Applicant of any reports (e.g., Traffic Impact Analysis, Drainage Report) that must be submitted with the Tentative Plat.
- C. The pre-application meeting is a pre-condition to submit the Tentative Plat, pursuant to Sec. 13.4.

Sec. 13.4 – Tentative Plat

Paragraphs:

13.4.1	Submittal
13.4.2	Tentative Plat Requirements
13.4.3	Tentative Plat Approval
13.4.4	Significance of Tentative Plat

13.4.1 – Submittal

- A. The Applicant shall submit to the Director the following materials in support of a Tentative Plat application for a new Subdivision:
1. Completed Tentative Plat application form. If the Applicant is not the current landowner of all of the subject real property, the current landowner(s) shall provide a signed statement granting the Applicant authority to represent the owner(s) in this matter.
 2. Documentation of pre-application meeting, pursuant to Paragraph 13.3.2.
 3. A non-refundable Tentative Plat filing fee.
 4. The required number of copies of a Traffic Impact Analysis (TIA), if required by the City Engineer.
 5. The required number of copies of a preliminary Drainage Analysis.
 6. [Any other reports required?]
- B. The Director will check all submittals for completeness and assign a case number. If a submittal is incomplete according to the requirements set forth in this Ordinance, the submittal may be rejected and returned to the Applicant for revision and re-submittal.

13.4.2 – Tentative Plat Requirements

- A. A Subdivision shall be designed to comply with the requirements of the specific Zoning District(s) in which it is located.
- B. As a prerequisite of Tentative Plat review by the Director and City Engineer, the Applicant shall contact the following agencies to discuss the Tentative Plat submittal:
1. Appropriate public utilities;
 2. Cable television and communication companies;
 3. Nogales Unified School District No. 1;

4. Arizona Department of Transportation (if the proposed Subdivision abuts a state highway); and
 5. Santa Cruz County Community Development Department if the proposed Subdivision is adjacent to an unincorporated area.
 6. [Any others?]
- C. Any information required as part of the Tentative Plat submittal shall be shown graphically or by note on plans, by letter, or by combination of these, and may comprise several sheets showing various elements of the required data. All mapped data for the Tentative Plat shall be drawn at the same engineering scale, which shall not be more than 1 inch = 100 feet. Tentative Plat sheets shall not exceed 24 inches by 36 inches in overall dimensions and shall have a left margin of two inches. All Plats requiring more than one sheet shall have a cover sheet indicating the entire Subdivision and the proposed sections to be found on the corresponding individual pages.
- D. All Tentative Plat applications shall contain the following information:
1. Notation as a Tentative Plat;
 2. Proposed Subdivision name and location by section, township, range, baseline, meridian and County;
 3. Legal description of property involved and County instrument number;
 4. Name, address, and phone number of Applicant(s);
 5. Name, address, and phone number of person or firm preparing the Tentative Plat;
 6. Name, address, and phone number of landowner(s), and docket/page number or instrument number by which title was conveyed (warranty deed, quit claim deed, purchase agreement, or other legal instrument);
 7. Bar scale, north arrow oriented to top, right or left of sheet, and dates of preparation and any revisions;
 8. A topographic map including direction of drainage flow for the subject property and the land within 200 feet of the subject property with a minimum two-foot contour, or such other interval as approved by the Director;
 9. Existing street dedications and Lot lines of all adjacent properties. Subdivided properties must be indicated by Subdivision name and Santa Cruz County Recorder's Office Case and Map number; if unsubdivided land, property owner and Docket and Page or instrument number shall be noted;
 10. Location, dimensions, and names and types of all existing and proposed rights-of-way and easements within the Subdivision boundaries and 200 feet from such boundaries;

11. All existing features, including but not limited to, bridges, buildings, culverts, structures, and driveway entrances within the Subdivision boundaries and within a distance of 200 feet from such boundaries. Identify those which are to be removed and those to remain, and the date when any removals shall be completed. All proposed conditions shall be graphically differentiated from existing conditions on adjacent properties and on excepted tracts or Parcels within the Plat;
12. Existing zoning classification(s) within the Subdivision boundaries and on abutting properties;
13. Note gross acreage of the area being platted and net acreage, if applicable;
14. Boundaries of the platted property to be fully dimensioned. The complete boundary survey shall be based upon field work;
15. Proposed street layout shall include street names, widths, alleys, crosswalks, and connections to adjoining tracts or Parcels and clear view zones. Typical cross sections of all existing and proposed roadways shall be shown;
16. Parcels or tracts to be dedicated or reserved for school sites, parks, or other public use are to be indicated as such with intended use;
17. Size of each Lot, in square feet or acres;
18. Location map with north arrow, scale, site location, and existing points of reference;
19. Location and description of proposed and existing utilities within the Subdivision and within 200 feet of the proposed development. Locations of all above-ground utility cabinets and facilities. Location of water and sewer mains with respect to property lines, easements and/or street center lines, with line sizes and valve locations shown. Reference by note the location and description of such utilities if not located within 200 feet of the proposed development;
20. The location of all proposed fire hydrants within the Subdivision;
21. Approximate Lot and tract dimensions, bearings, and area, with each Lot numbered individually and the total number of Lots noted;
22. The location of vehicular non-access easements and non-typical building setbacks;
23. A typical maximum construction envelope containing minimum building setbacks and maximum Lot coverage permitted shall be noted on the Plat;
24. Gross and net densities/intensities by Lot or platted area in accordance with Article 6;
25. Location of water wells, streams, ditches, washes, lakes, or other water features; direction of flow; 100-year flood plain; location and extent of areas subject to inundation, whether such inundation be frequent, periodic or occasional, within the

Subdivision boundaries and 200 feet beyond such boundaries. Also, the proposed location(s) of stormwater detention facilities shall be indicated;

26. Traffic control devices;
27. Approval block for all utilities;
28. Certification blocks (Arizona Registered Land Surveyor seal and Arizona Registered Professional Engineer stamp, if applicable);
29. Complete and accurate legend;
30. Boundary dimensions to 0.01' and bearings to 1 second, recorded and measured;
31. Basis of bearing and record source;
32. Detailed description of monuments set and found;
33. Subdivision corners tied to two City control points;
34. Boundary of platted property to have a mathematical closure of not less than 0.01 feet. All non-tangent curves shall include a radial bearing or chord bearing and length;
35. Approximate embankment and excavation quantities for the project;
36. Clear view zones;
37. A development phasing map and proposed timing schedule delineating the configuration, size in acres, and general sequence of development and dedication; and
38. All information on the Plat must be legible.

E. The Tentative Plat shall contain the following information with respect to proposed utilities:

1. It is the responsibility of the Applicant to furnish the Arizona Department of Environmental Quality (ADEQ) such information as ADEQ may require regarding the design and operation of the proposed sanitary sewage facilities.
 - a. The Tentative Plat application shall include a statement as to the types of facilities proposed.
 - b. The Applicant shall show evidence of adequate volume and quality of proposed water supply and facilities.
2. The Tentative Plat submittal shall include preliminary calculations and a description of proposed stormwater disposal outlets.
3. A plan from private or franchise utility companies showing the location of proposed utility facilities.

F. Condominium Plats: A Tentative Plat submittal for a Condominium shall include the following additional information as required by A.R.S. § 33-1219:

1. The Plat shall be clear and legible, and is a part of the declaration; and
2. The Plat shall show the following:
 - a. The name of the Condominium;
 - b. The boundaries of the Condominium and a legal description of the real estate included in the Condominium;
 - c. The extent of any encroachments on any portion of the Condominium;
 - d. To the extent feasible, the location and dimensions of all easements serving or burdening any portion of the Condominium;
 - e. The location and dimensions of the vertical boundaries of each unit, and each unit's identifying number;
 - f. Any horizontal unit boundaries, with reference to an established datum, and each unit's identifying number;
 - g. Any units with respect to which the declarant has reserved the right to create additional units or common elements, identified appropriately;
 - h. The location and dimensions of all real estate subject to the development right of withdrawal and identified as such;
 - i. The location and dimensions of all real estate in which the unit owner will only own an estate for years, labeled as a "Leasehold Condominium";
 - j. The distance between noncontiguous Parcels of real estate comprising the Condominium;
 - k. The location and dimensions of limited common elements, including porches, balconies, patios and entryways; and,
 - l. Any other matters the declarant deems appropriate.

13.4.3 – Tentative Plat Approval

- A. A Tentative Plat application approval shall comply in all respects with the provisions of this Article and the City Flood Plain Regulations.
- B. In addition to the requirements of the preceding subsections, the Applicant shall provide the Director and City Engineer with any additional information, documents, or other material relevant to the application as required by City codes that are necessary for the Director and the Mayor and Council to evaluate, analyze, or understand the application's subject matter.
- C. A Tentative Plat application shall only be deemed filed and properly submitted upon:
 1. Full payment of all fees; and

2. Satisfaction of all of the above-listed requirements as determined by the Director.
- D. The procedure for approval, amendment, or denial of Tentative Plat applications shall be as follows:
1. Pursuant to this Article, the Director and City Engineer shall review the Tentative Plat application, including all impact analyses required as part of the submittal with the Tentative Plat application.
 2. The Internal Review Panel shall recommend the approval or denial of a Tentative Plat to the Director within 45 days of the first consideration of the Plat by the Committee. If no recommendation is made by the Internal Review Panel within 45 days, the Director shall consider the Tentative Plat for approval without a recommendation.
 3. After a final recommendation on a Tentative Plat by the Internal Review Panel, the Director shall approve, conditionally approve, or disapprove the application within 60 days of the first consideration of the Plat by the Director.
 4. If the Director approves the Tentative Plat application, the Applicant or an authorized representative shall submit the following materials to the Director in accordance with the submittal deadlines on file with the Planning Section:
 - a. The required number of copies as specified by the Director of the Tentative Plat reproduced in the form of blue or black line prints on a white background;
 - b. A reduction of the Tentative Plat onto an 8.5 x 11-inch sheet of paper; and
 - c. An electronic copy of the Tentative Plat in a form determined by the Director.
 5. If the Director denies a Tentative Plat application, the Director shall state in writing to the Applicant or Applicant's agent the reasons for such denial. The Tentative Plat application can be re-filed at any time if revision can resolve the reasons for the denial as originally proposed, subject to the following:
 - a. The new filing of a Tentative Plat application for the same subject property, or any portion of the property, shall follow the procedures and requirements specified in this Article.
 - b. For resubmittals of the same property, the Director has discretion to waive or reduce fees in proportion with the level of staff reviews required for the resubmittal.
- E. If Tentative Plat approval expires prior to application for Final Plat approval, the Tentative Plat shall be resubmitted as a new case, and the Applicant shall pay the required fee. See Paragraph 13.4.4, Significance of Tentative Plat Approval, for the requirements for extension of a Tentative Plat approval.

13.4.4 – Significance of Tentative Plat Approval

Tentative Plat approval by the Director constitutes authorization for the Applicant to proceed with preparation of the Final Plat and engineering plans and specifications. Tentative Plat approval is subject to the following conditions:

- A. Approval is valid for a period of two years from the date of Director approval. Thereafter, such approval shall be deemed to have expired;
- B. Tentative Plat approval may, upon written application to the Director by the Applicant, be extended for an additional one year if, in the opinion of the Director, there is no change in conditions within or adjoining the Tentative Plat which could warrant a revision of the original Tentative Plat;
- C. The conditions under which approval of the Tentative Plat is granted will not be changed prior to the expiration date;
- D. If Tentative Plat approval expires prior to application for Final Plat approval, the Tentative Plat shall be resubmitted as a new case and the Applicant shall be required to pay a new fee;
- E. A Tentative Plat shall not be recorded; and
- F. Tentative Plat approval does not constitute approval to clear, grade, remove trees, or perform other land or construction activity until a Final Plat is recorded and a grading permit is issued.

Sec. 13.5 – Final Plat

Paragraphs:

- 13.5.1 Plat Submittal and Review**
- 13.5.2 Final Plat Requirements**
- 13.5.3 Final Plat Approval**

13.5.1 – Plat Submittal and Review

- A. The Applicant shall submit a Final Plat and application to the Director for review. The Final Plat shall conform to the approved Tentative Plat, and shall contain all information and conform to all requirements for Final Plat preparation as specified below:
 - 1. A completed Final Plat application form;
 - 2. The required number of paper copies of the Final Plat, as specified by Planning and Development Services, reproduced as blue or black line prints on a white background;
 - 3. A non-refundable Final Plat filing fee; and
 - 4. One complete title report for the property dated within 60 days prior to the Final Plat application and notarized by a state-registered title company.
- B. Upon receipt of the Final Plat application, the Director shall date and initial receipt of the materials and check the Final Plat for conformity to the Tentative Plat as approved or modified and for compliance with the requirements for Final Plats set forth herein.

13.5.2 – Final Plat Requirements

- A. All Final Plats shall be designed to comply with the requirements of the specific Zoning District(s) within which they are located.
- B. The Applicant shall submit copies of the Final Plat to the appropriate public/quasi-public utility agencies prior to seeking Mayor and Council action on a Final Plat. Written comments by the agencies shall be provided to the Director as a part of the application. The Director shall submit the Final Plat application together with the utility agencies' comments to the City Council.
- C. The Final Plat shall substantially conform to the approved Tentative Plat, and shall comply with all appropriate City standards, codes, specifications, and requirements.
- D. Every Subdivision shall conform to the objectives of the General Plan, except where existing development rights supersede the Subdivision proposal, such as if the property has vested and/or Legal Nonconforming rights.

- E. Any information required as part of the Final Plat submittal shall be shown graphically, by note, by letter, or in combination on the Final Plat, and may comprise several sheets showing various elements of the required data.
- F. The Final Plat for recording shall be drawn in waterproof ink on opaque linen or Mylar on a sheet not to exceed 24 inches by 36 inches in overall dimensions, and shall have a left margin of two inches. All Final Plats requiring more than one sheet shall have a cover sheet indicating the entire Subdivision and the proposed sections to be found on the corresponding individual pages. The Final Plat shall be drawn to an accurate scale of not more than 1 inch = 100 feet.
- G. All lands to be dedicated to the City that are not considered rights-of-way require a warranty deed to be recorded with the Final Plat
- H. Avigation easement if appropriate.
- I. All Final Plats shall contain the following information:
 - 1. A title that includes the name of the Subdivision and its location by number of section, township, range, meridian and county;
 - 2. Name and address of Applicant (record owner), and name, address, registration number, and seal of the registered land surveyor preparing the Final Plat;
 - 3. Name, address, and registration number of the registered civil engineer responsible for the preparation of the engineering drawings that are necessary for the proposed Subdivision;
 - 4. Utility companies' signatures and date;
 - 5. Bar scale, north arrow oriented to top, right or left of sheet, and date of Plat preparation;
 - 6. Boundaries of the tract to be subdivided shall be mathematically correct and show all record and measured bearings and distances. Boundary dimensions to 0.01' and bearings to 1 second shall be shown, as well as a description of all found monuments;
 - 7. Any excepted Parcel or Parcels within the Final Plat boundaries shall be accurately described by bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed to 0.01' and bearings to 1 second;
 - 8. Record basis of bearing and two corners of the Subdivision shall be tied by course and distance to separate survey monuments approved by the City Engineer;
 - 9. Names, centerlines, right-of-way lines, courses, lengths, and widths of all public streets, alleys, and easements to be dedicated. Points of tangency of all curvilinear streets and alleys shall be shown. Curve data shall include radius, length, central angle, and radial bearings (or chord bearing and chord length) on non-tangent curves;

10. Location, dimensions, and area (square feet or acres) of all Lots and tracts shall be shown. Lot dimensions and appropriate bearings shall be indicated for all Lot lines. In areas subject to flooding, minimum finished first floor elevations shall be shown as may be recommended by the appropriate authority;
11. All Lots shall be numbered consecutively throughout the Final Plat. Parcels or tracts for school sites, parks, open space areas, or other public uses shall be so designated, lettered, or named, and clearly dimensioned;
12. The accurate outline of all property that is offered for dedication for public use and of all property that may be reserved by deed covenant for the common use of the property owners in the Subdivision shall be shown;
13. Subdivision name, case number, and map number of adjacent recorded Subdivisions, with location of existing adjacent Lots, easements, and rights-of-way shown, or Docket and Page or instrument number, where appropriate. All proposed conditions shall be graphically differentiated from existing conditions on adjacent properties and on excepted Parcels within the Final Plat;
14. The following notation shall be placed upon all Final Plats for public utility easements: "Except for construction and improvements by governmental entities and certified public utilities, construction and improvements within utility easements shall be limited to the following:
 - a. Removable wood, wire, or sectional fencing; and
 - b. Construction, structures, or buildings expressly approved in writing by all public utilities which use or shall use the utility easement.";
15. Statement and acknowledgment of the dedication of all streets, alleys, drainageways, utility easements, crosswalks, bike paths, pedestrian ways, including but not limited to sidewalks, crosswalks and trails, and other easements for public use by the persons holding title of record, by persons holding title as vendees under land contract, and by spouses of said parties, if jointly owned. If lands dedicated are mortgaged, the mortgagee shall also sign the Final Plat. Dedications shall include a written location by section, township, and range of the tract. If the Final Plat contains private streets, provisions should be made so that the public utilities reserve the right to install and maintain utilities above, on, and below such private streets or ways;
16. The following certifications must be included on the Final Plat in the form as determined by the Director:
 - a. Certification by a registered land surveyor that the Final Plat is correct and accurate, and that the monuments described in it have been located as described;
 - b. Certification of Final Plat approval by the City Engineer;

- c. Certification of Final Plat approval by the Director; and
 - d. Certification of Final Plat approval by the City Council.
17. The location of appropriate vehicular non-access restrictions as well as intersection clear view zones if located on a Lot(s) shall be included on the Plat;
 18. A typical maximum construction envelope containing minimum building setbacks and maximum permitted Lot coverage shall be shown on the Final Plat. Dimensioned non-typical construction envelopes shall be shown on the individual Lots, when applicable;
 19. Floodplain limits and the following text when applicable: "Lots _____ have been identified as being partially or wholly within a flood hazard area per F.I.R.M. Map _____, revision date _____. Because flood hazard boundaries may be revised periodically, the most recent flood hazard map for this area should be reviewed to determine the exact limits and severity of potential flooding on these Lots. Flood hazard maps and requirements for construction within flood hazard areas can be obtained from the City of Nogales.";
 20. Subdivisions that are associated with a rezoning ordinance shall identify the ordinance number and the instrument number of the recorded ordinance on the Final Plat;
 21. A development phasing map and proposed timing schedule delineating the configuration, size in acres, and general sequence of development and dedication;
 22. Drawings of the Final Plat, digital and hard copy, in accordance with the provisions of the **Engineering Standards**;
 23. A complete and accurate legend;
 24. A location map with north arrow; and
 25. All information on the Plat must be legible.
- K. A Final Plat submittal for a Condominium Subdivision shall also include the additional information as required by Sec. 13.4.2.F, Tentative Plat Requirements.

13.5.3 – Final Plat Approval

- A. An application for approval of a Final Plat shall not be filed unless there is an approved Tentative Plat for the proposed Subdivision as provided for in Sec. 13.4, Tentative Plat.
- B. An Applicant for Final Plat approval shall comply in all respects with the provisions of this Article.
- C. An Applicant shall submit all of the documents, information, data, and other requirements for Final Plat approval to the Director and shall furnish all information and materials needed by the Director and City Engineer to satisfy the requirements of this Section.

- D. In addition to the requirements of the preceding subsections, the Applicant shall provide to the Director and City Engineer any additional information, documents, or other material relevant to the application that the Director and City Engineer reasonably believe are necessary in order for the Mayor and Council to evaluate, analyze, or understand the subject matter of the application.
- E. An application for Final Plat approval shall not be deemed to have been filed or properly submitted until all fees have been paid and assurances provided and all of the above listed requirements have been complied with as determined by the Director.
- F. The procedures for approval, amendment, or denial of Final Plat applications shall be as follows:
 - 1. Upon receipt of a final recommendation on an application for a Final Plat from the Director and City Engineer, the application shall be transmitted to the Mayor and Council for final decision.
 - 2. Approval:
 - a. Upon approval of the Final Plat application and Final Plat by the City Council, the Applicant shall submit to the Director the following, which shall be dated upon receipt:
 - i. One opaque linen or Mylar copy of the Final Plat for recordation;
 - ii. One reproducible Mylar copy of the Final Plat; and
 - iii. One electronic copy of the Final Plat, provided in a format determined by the City Engineer.
 - b. The following must occur prior to the certification and recording of the Final Plat:
 - i. The City Engineer shall approve and certify the engineering plans for water, public sanitary sewer facilities, grading, and all other improvements; and
 - ii. The Applicant shall post an assurance of performance as set forth in Sec. 13.9, Subdivision Improvements and Assurance, to guarantee the installation of required improvements
 - c. After approval of the Final Plat by the Mayor and Council and certification by the City Engineer, the City Manager shall request that the City Clerk and the Mayor transcribe a certificate of approval upon the Final Plat, first making sure that the other required certifications and dedications have been duly signed and acknowledged.
 - d. The Applicant shall then pay to the City the fee charged by the Santa Cruz County Recorder for the recordation of the Final Plat. The City shall then promptly record the Plat with the Santa Cruz County Recorder, pursuant to A.R.S. § 9-463.01.

3. Denial:

- a. If the Mayor and Council disapproves the Final Plat, the minutes shall state the reasons for such denial. The Final Plat application may be re-filed at any time if revision can resolve the reasons for the denial as originally proposed. The new filing of a Final Plat application for the same tract, or any portion of the Final Plat, shall follow the procedures and requirements specified in this section.

4. Amendment:

- a. When the Final Plat has been approved by the Mayor and Council and recorded with the Santa Cruz County Recorder all development regulations and conditions of approval applicable to the Final Plat are final and may not be amended except upon application to the Director following the procedures for Subdivision approval established in Section 13.3, Subdivision Procedures and Requirements.
- b. If the Mayor and Council finds that the Final Plat requires further amendment, the case shall not be approved until the amendments can be satisfactorily accomplished.

Sec. 13.6 – Minor Subdivision

Paragraphs:

13.6.1 Applicability

13.6.2 Minor Subdivision

13.6.1 – Applicability

The Minor Subdivision process, also referred to as a Block Plat, applies to Subdivisions where a maximum of ten Lots are proposed, pursuant to A.R.S. § 9-463.01(U) and this Section.

13.6.2 – Minor Subdivision Process

- A. The requirement for a Tentative Plat may be waived at the request of the Applicant when the proposed Subdivision meets the following criteria:
 - 1. Results in ten or fewer Lots;
 - 2. All Lots conform with Article 6, Development Standards, for the applicable Zoning District;
 - 3. Conforms with all City, state and federal drainage requirements; and
 - 4. When used to abandon all or part of a Subdivision, the Minor Subdivision provides for the disposition of public right-of-way and utility easements created by the abandoned Plat.
- B. The review and approval of a Minor Subdivision includes the following progressive stages:
 - 1. Pre-application Conference (See Paragraph 13.3.2); and
 - 2. Final Plats (See Section 13.5).

Sec. 13.7 - Land Splits, Boundary Adjustments and Combinations

Paragraphs:

- 13.7.1 Purpose and Intent**
- 13.7.2 Land Split Procedures and Requirements**
- 13.7.3 Pre-Application Conference**
- 13.7.4 Land Split or Combination Applications**
- 13.7.6 Boundary Adjustment**

13.7.1 – Purpose and Intent

The purpose of these regulations is:

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

13.7.2 – Land Split or Combination Procedures and Requirements

The process for all Land Splits or combinations located within the City limits is as follows, except as otherwise provided in this chapter:

- A. Optional pre-application conference with the Director.
- B. Submittal by the Applicant, and review and approval of the Land Split or combination application and map by the Director.
- C. Recordation of the approved Land Split or combination map and associated legal description with the Santa Cruz County Recorder’s office.

13.7.3 – Pre-Application Conference

- A. The Applicant has the option of attending a pre-application conference to review the Land Split or combination prior to the submittal of the Land Split or combination application. If the Applicant elects to have a pre-application conference, he/she shall present the Land Split or combination proposal to the Director who shall advise the Applicant of specific public objectives, standards, and regulations related to the property and the procedure for Land Split or combination review.

- B. An application for Land Split or combination approval shall include a sketch plan of the proposed Land Split or combination so that the Director can determine whether the approval process authorized by this Section can and should be utilized. The Director may require the Applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the Santa Cruz County Assessor's Map showing the land being divided and all Lots or Parcels previously divided from that tract of land and all contiguous land under the same ownership 10 years prior to the Effective Date.

13.7.4 – Land Split and Combination Applications

A. Application Submittal:

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

B. Application Approval Standards:

1. All Land Split or combination applications shall be designed to comply with the requirements of the specific Zoning District(s) within which it is located, including minimum Lot area, Lot depth, Lot width and minimum access requirements.
2. No Lot or Parcel shall be divided in such a way that any division contains more dwelling units than are permitted in the Zoning District in which the Lot or Parcel is situated.

C. Process for Approval.

1. The Applicant shall submit all of the documents, information, data, and other requirements for approval of a Land Split or combination to the Director. The Applicant shall also furnish to the Director any additional information and materials relevant to the application that are reasonably believed to be necessary in order for the Director to evaluate, analyze, or understand the subject matter of the application, and to ensure compliance with the requirements of this division. Compliance shall be determined by the Director.
2. The procedures for approval, modification, or denial of Land Split or combination applications shall be as follows:
 - a. The Director shall approve or disapprove applications for Land Splits or combinations pursuant to the provisions of this Section and shall ensure compliance with any applicable conditions of approval.
 - b. An Applicant may appeal a final action of the Director to the Planning and Zoning Commission in accordance with Section 13.12, Appeals.

13.7.5 – Boundary Adjustment

- A. When a common Lot line between two adjoining Parcels requires adjustment, the Applicant shall follow the submittal requirements and procedures for this Section.
- B. The boundary adjustment shall result in both Lots conforming with Article 6, Development Standards, for the applicable Zoning District.
- C. In addition to the requirements of this Section, the application shall include the written consent of all owners of the real property associated with the proposed boundary adjustment.

Sec. 13.8 - Subdivision Design Standards and Requirements

Paragraph:

- 13.8.1 In General**
- 13.8.2 Lot Design**
- 13.8.3 Street Design**
- 13.8.4 Alley and Easement Design**

13.8.1 – In General

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

- A. All Lots or Parcels created by the subdivision of land shall have their own frontage to a public or private street. Public and private streets shall be designed and improved to public street standards in accordance the Engineering Standards.
- B. Driveways shall be designed in accordance with the standards established in the Engineering Standards.
- C. The requirements of Article 6, Development Standards, shall also be applied to the maximum extent feasible to the design of all new Subdivisions.

13.8.2 – Lot Design

- A. The size, shape, and orientation of Lots in the Subdivision shall be appropriate to the location of the proposed Subdivision and to the type of development contemplated. Lot width, depth, frontage, area and building setbacks shall comply with the minimum requirements of Article 6, Development Standards and shall be appropriate for the type and extent of street and utility improvements being installed. Where steep topography, unusual soil conditions or drainage problems exist or prevail, special Lot width, depth and area standards may be considered in accordance with the Article 6 alternatives. Innovative development approaches, such as cluster development, should be explored in the interest of producing unique, environmentally-sensitive projects. Refer to Article 6, Sec. 6.4, Flexible Development Tools.
- B. No remnants of property shall be left in the subdivision that do not conform to Lot requirements, unless required for a private utility, common area or a public purpose.
- C. All Subdivisions shall result in the creation of Lots which are capable of being lawfully built upon. Except for Parcels or tracts to be maintained as open space/common area, no Subdivision shall create Lots which are physically unsuitable for improvement due to size or shape, steepness of terrain, location of water

courses, problems of sewage or driveway grades, or other natural physical conditions.

- D. Corner Lots may be required to be wider than interior Lots to provide for setback requirements in accordance with Article 6.
- E. Lot lines shall be located on or near the crest of ridges to preclude prominent line of sight building construction. Where feasible, the buildable area of a Lot (i.e. the area within the setbacks) shall not be located on or near the crest of ridge lines.
- F. The construction envelope on a Lot shall be determined by the setback requirements for the Lot and the location of natural topographic features such as watercourses, rock outcrops, native vegetation and trees. The Director may, upon application by the property owner, modify the construction envelope for an individual Lot as shown on the Final Plat, provided that:
 - 1. The revised construction envelope is equally as sensitive to the natural conditions as the original construction envelope;
 - 2. The area of the construction envelope is not enlarged; and
 - 3. Setback requirements are not amended.

13.8.3 – Street Design

- A. The minimum requirements for street design are established in the **Engineering Standards**.
- B. Standard utility locations shall comply with the **Engineering Standards**.
- C. Local streets shall be designed to promote connectivity by creating a comprehensive grid-like network of vehicular and pedestrian connections to provide diversity of route choices between the proposed Subdivision and existing streets and pedestrian routes, unless topographic conditions preclude such connectivity.
- D. Names of streets should be consistent with the natural alignments and extensions of existing streets. New street names should not duplicate, in whole or in part, or be confused with existing names.
- E. Local circulation systems and land development patterns shall be designed so that multiple modes of transportation shall be considered and that the efficiency of bordering arterial routes is maintained.
- F. Proposed streets, as designated by the City, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands. The street pattern in the Subdivision shall not land lock adjacent property nor prevent access to public land.
- G. The functional classification of streets shall be assigned by the City.

- H. Whenever a tract to be subdivided includes any part of a street designated in an adopted General Plan, the street shall be platted in conformance with the General Plan.
- I. Streets shall be designed in relation to existing topography to produce streets of reasonable gradient to facilitate adequate drainage and to produce desirable Lots of maximum utility. Where feasible, streets shall be placed along the top of ridges to minimize the extent of grading and reduce the visual impact of development.
- J. Boundary streets (half streets) shall be discouraged except where necessary to provide right-of-way required by the General Plan, to complete a street pattern already begun or to insure reasonable development of a number of adjoining Parcels. Where a platted half street abuts the tract to be subdivided, the remaining half shall usually be platted within the tract.

13.8.4 – Alley and Easement Design

- A. Alleys shall be designed and constructed in accordance with City regulations and standards.
- B. Easements shall be provided and dedicated where deemed necessary for specific purposes for use by the general public, utilities, or the City. Easements necessary to ensure non-motorized access to adjacent public lands shall be provided to the satisfaction of the Director, but such easements shall not prevent the reasonable improvement of any development. Pedestrian, bicycle and equestrian ways may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Pedestrian ways may be used for utility purposes.
- C. The Applicant shall dedicate a right-of-way or easement for storm drainage conforming substantially to the line of any watercourse that traverses the land; or at the option of the City, the Applicant shall provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and stormwater, upon the direction of the City Engineer.

Sec. 13.9 - Subdivision Improvements and Assurances

Paragraphs:

- 13.9.1 In General**
- 13.9.2 Improvement Requirements**
- 13.9.3 Forms of Assurances**
- 13.9.4 Inspection and Acceptance of Improvements**
- 13.9.5 Partial Release of Assurances**
- 13.9.6 Substitution of Assurances**
- 13.9.7 Full Release of Assurable Infrastructure**
- 13.9.8 Expiration or Lapse of Assurances**

13.9.1 – In General

Assurances are required when the Assurable Infrastructure is not completed at the time a Final Plat is recorded. Assurances provide security that the Applicant will complete necessary improvements. The following requirements also apply to the Applicant(s) or developers when acceptable substitutions of Assurances are used.

13.9.2 – Improvement Requirements

- A. An Applicant shall construct all required subdivision improvements at no expense to the City.
- B. It shall be the responsibility of the Applicant to improve all streets, pedestrian ways, alleys and easements in the Subdivision and adjacent to it as required to serve the Subdivision. No permanent improvement work shall be commenced until improvement plans have been approved by the City Engineer. Improvements shall be installed to the permanent line and grade and to the satisfaction of the City Engineer, and in accordance with the standard Subdivision specifications of the City of Nogales. The cost of the inspection shall be paid by the Applicant.
- C. For Subdivisions that will be platted and developed in more than a single phase, each phase of a Subdivision shall have improvements designed to be fully operational and functional in perpetuity without reliance on the development of future phases. Construction plans submitted for approval shall depict only the design of improvements necessary to make an individual phase operational and functional. Phasing may occur in any order as long as each phase complies with this Section.
- D. If an Applicant posts Assurances to guarantee the completion of the required Assurable Infrastructure, the form and the amount of the Assurance shall conform to the requirements of this Section and be satisfactory to the City Attorney's Office as to form, sufficiency, and manner of execution.

- E. Assurances that all required Assurable Infrastructure will be completed as approved by the City shall be provided by the Applicant in accordance with this Section before a Final Plat is forwarded to the Mayor and Council for approval. The City Engineer is authorized to execute on behalf of the Mayor and Council agreements with the Applicant to ensure that Subdivision Assurances are provided by the Applicant in accordance with this Section. The Director is authorized to release Assurances upon completion of the Assurable Infrastructure, as described below.

13.9.3 – Forms of Assurances

The following are acceptable forms of Assurances. For phased subdivisions, Assurances may be provided separately to address the improvements necessary for each phase.

- A. Completion/Performance Bond – An Applicant may post a completion/performance bond for financial Assurances executed by a surety company licensed to do business in the State of Arizona in an amount approved by the Director. The Director may sign the bond instrument on behalf of the City, and the City Attorney shall approve same as to form.
- B. Escrow Account – An Applicant may establish an escrow account with the City or a bank or similar financial institution acceptable to the City, and in an amount approved by the Director.
- C. Letter of Credit – An Applicant may provide an irrevocable letter of credit in an amount approved by the Director from a bank or other financial institution or person acceptable to the City. The Director is authorized to sign the agreement on behalf of the City, and the City Attorney’s Office shall approve same as to form.
- D. Third-Party Land Trust – An Applicant may vest ownership of the property constituting the subdivision in a third-party trustee, with direction that the property in trust will not be released for sale by the trustee unless and until the City agrees to the release pursuant to this Section. The City will thereafter agree to a full or partial release of trust property as provided in this section. The Director is authorized to sign the agreement on behalf of the City and the City Attorney shall approve same as to form.
- E. Alternative Forms of Assurances_– The Director or designee may accept alternate methods to assure the completion of subdivision improvements where acceptable to the Director and the City Attorney’s Office in form and substance. Personal checks are not accepted. Mayor and Council approval of the alternate Assurance method, agreement, or form(s) is required prior to the approval of the Final Plat.

13.9.3 – Amount of Assurances

Except for third-party land trust agreements, the Director or designee may require a monetary amount for Assurance of Subdivision improvements not to exceed one and two-tenths (1.2) times the estimated cost of construction of the required improvements.

13.9.4 – Inspection and Acceptance of Improvements

- A. The Director or designee shall provide for inspection of required improvements.
- B. If the Director or designee finds upon inspection that any of the required improvements have not been constructed per City approved documents, or have not been constructed in accordance with the City's construction standards and specifications, the Applicant shall be responsible for completing or replacing such improvements in accordance with the list of deficiencies, the City accepted specifications, and approved plans, as outlined in this Article.
- C. The City will not accept the required improvements or release or reduce any Assurance for a subdivided project requiring sewer, water, or transportation improvements until the Director or designee has received statements from the Public Works Director or designee that the improvements are complete and acceptable.
- D. For improvements that will be dedicated to the City, upon approval and recommendation by the City Manager the Mayor and Council shall accept the improvements for dedication.

13.9.5 – Partial Release of Assurance

- A. Partial Release of Subdivision Improvements for Third Party Land Trust - Where a third-party land trust is provided as Assurance for completion of improvements, a partial release of a portion of the subdivision may occur, prior to the completion of improvements, as described below:
 - 1. The partial release shall be proportional to the level of completion of improvements.
 - 2. Up to 75 percent of the Lots held in a third-party trust in any particular phase may be released prior to completion and acceptance of the common-element improvements (e.g., basins, drainage facilities, sewer lines, water lines, street improvements, etc.).
 - 3. Any Lot(s) released shall be served by the completed common-element improvements.
 - 4. Once the common-element improvements have been accepted, partial releases greater than 75 percent or a final release may be granted only when all of the Assurable subdivision improvements have been completed, inspected, accepted

by the appropriate agency, and the City Engineer has certified the completion of the Assurable Infrastructure.

5. Requests for release, inspections, and approvals shall be in accordance with the process for a full release, as described in this Section.
- B. Reduction or Partial Release of Monetary Assurances - Where a bond, letter of credit, or other monetary Assurance is provided, the amount of the Assurance may be reduced upon partial completion of construction or actual dedication of one or more improvements, but only in a ratio that the completed/dedicated improvement(s) bears to the total improvements indicated on the Plat.
1. Where an Applicant completes and offers to dedicate the required improvements for a portion of the Final Plat, monetary assurances for such improvements may be reduced only where the improvements can be used and maintained independently of remaining improvements required for the entire Plat. For example, temporary cul-de-sacs should be provided for incomplete streets; water, sewer, and electric facilities should be capable of independent operation; and adequate access for public safety vehicles shall be provided.
 2. In no case may more than 75 percent of the total monetary value of assurances be released prior to completion of all improvements.

13.9.6 - Substitution of Assurances

Where an Assurance is provided, a substitute Assurance may be accepted as described below:

- A. The Applicant may submit a substitute Assurance to the Director for review. The Director has sole discretion to accept or deny a substitute Assurance.
- B. The substitute Assurance shall include those portions of the subdivision to be covered. Additional substitute Assurances may be needed to be in place so that all of a Subdivision's Assurable Infrastructure is covered.
- C. The third-party trust or other types of Assurance may be entirely substituted by another form of Assurance. In these cases, the Applicant shall provide cost estimates of the Assurable Infrastructure yet to be constructed, including contingency costs. The number and/or forms of substitute Assurances for any given subdivision may be limited by the Director.

13.9.7 - Full Release of Assurable Infrastructure

A full release shall be granted when all of a Subdivision's Assurable Infrastructure has been completed, inspected, accepted by the appropriate agency, and the City Engineer or its designee has certified the Assurable Infrastructure is complete.

13.9.8 - Expiration or Lapse of Assurances

If an Assurance expires, the Director shall suspend the issuance of any permit(s) until such time when Assurances have been provided. If the Director determines that any applicable Assurances have lapsed, become subject to a bankruptcy or otherwise become ineffective, the Director reserves the right to issue a stop work order, stop release of additional Lots, and utilize the financial Assurances to complete the Assurable Infrastructure or apply monetary penalties allowed by law.

Sec. 13.10 - Subdivision Abandonment

Paragraphs:

13.10.1	Purpose
13.10.2	Abandonment Application Required
13.10.3	Action by the Planning and Zoning Commission
13.10.4	Action by the City Council
13.10.5	Recording of Survey

13.10.1 – Purpose

This section establishes the procedures for the abandonment of any subdivided lands (i.e., revert to acreage) upon approval by the City Council.

13.10.2 – Abandonment Application Required

To initiate a Subdivision Abandonment, an application must be filed with the Director. All applications for Subdivision Abandonment shall be submitted to the Director in writing on a form prescribed by the City. The application shall include the information and materials specified by the Planning and Zoning Department. Upon receipt of an application for Subdivision Abandonment, the Director shall review the application and prepare a report for presentation to the Planning and Zoning Commission at a public meeting.

13.10.3 – Review and Recommendation of Subdivision Abandonment

The **Internal Review Panel** shall review the Subdivision Abandonment application and submit its recommendation regarding the request to Mayor and Council within 45 days of its initial application review. If no recommendation is made by the Internal Review Panel within 45 days, the Director shall make a recommendation to Mayor and Council. The Internal Review Panel or Director shall recommend that Mayor and Council approve, approve in modified form, or deny the application. Any action to recommend approval shall be based on all of the following findings:

- A. That the subdivided lands to revert to acreage are under one ownership entity, or if under multiple ownership entities that all owners consent to the Subdivision Abandonment;
- B. That no improvements contemplated by the Subdivision have been constructed;
- C. That no immediate use of such subdivided lands as they were intended appears imminent; and
- D. That such reversion to acreage will not be detrimental to the general welfare of the public.

13.10.4 – Action by Mayor and Council

Upon receipt of a recommendation from the Internal Review Panel, the Mayor and Council shall conduct a public meeting on the Subdivision Abandonment application. The Mayor and Council shall approve, approve in modified form, or deny the application. Any action to approve shall be based on all of the findings set forth in Section 13.10.3, Review and Recommendation of Subdivision Abandonment.

13.10.5 – Recording of Survey

The Applicant shall record with the County Recorder a survey of all lands approved for Subdivision Abandonment prepared by a surveyor or engineer licensed by the State of Arizona and a copy of the abandonment of Subdivision filed with the Arizona Department of Real Estate.

Sec. 13.11 - Vacation of Streets and Easements

Paragraphs:

- 13.11.1 Purpose**
- 13.11.2 Procedures**
- 13.11.3 Effective Date**

13.11.1 - Purpose

The purpose of this Section is to provide procedures for the abandonment or vacation of public rights-of-way or portions thereof (including streets, alleys, or public access easements), pursuant to Arizona Revised Statutes § 28-7204.

13.11.2 - Procedures

- A. Initiation. The abandonment or vacation of public right-of-way may be initiated by any property owner(s) who owns land abutting the public right-of-way contemplated for abandonment or vacation, or by the Mayor and Council or City Manager.
- B. Process.
 - 1. The processing procedure for a written request for abandonment or vacation shall include:
 - a. All applications for the vacation of public rights-of-way (including streets) or easements shall be submitted to the City Engineer in writing on a form prescribed by the City;
 - b. The application shall include the required fee;
 - c. A location map of the area proposed to be abandoned or vacated showing abutting properties and a vicinity map, if necessary; and
 - d. The amount of the offer to purchase.
 - 2. The application and map of the requested abandonment or vacation of public right-of-way shall be forwarded to all public utility companies, City divisions and agencies serving the proposed area to be abandoned or vacated to request their review and comments.
 - 3. Notice. Conveyances of public roadway requires notices at least 60 days prior to the sale, as follows:
 - a. Notice shall be posted in at least three places along the roadway and in intervals no more than one mile apart;

- b. Notice shall refer to ARS § 28-7204, state that a person may submit a purchase offer, and that owners of property abutting the roadway have preference rights; and
 - c. Notice shall be delivered to abutting property owners if addresses are known.
 - d. Notice is not required for easements or other non-roadway City property rights.
- C. Staff Report. The Director shall prepare and transmit a staff report to the Mayor and Council or City Manager, as described below. The report shall include an evaluation of the consistency of the proposed vacation or abandonment with the General Plan, Zoning Code, and all applicable Utilities standards. The staff report shall also provide a valuation of the requested property, and an analysis and recommendation. A copy of the staff report shall be made available to the public and affected parties prior to the public hearing.
- D. Approval
 - 1. For abandonments or vacations of City property valued at \$50,000.00 or less, the City Manager shall approve, approve in modified form, or deny the request;
 - 2. For abandonments or vacations of City property valued at more than \$50,000.00, the Mayor and Council shall approve, approve in modified form, or deny the request. Mayor and Council approval shall be a regular scheduled meeting and be done by resolution.
- E. Recordation. The City Attorney shall record the final vacation resolution and applicable quitclaim deed with the office of the Santa Cruz County Recorder.

13.11.3 – Effective Date

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

Sec. 13.12 - Appeals

Paragraph:

13.12.1 Appeals

13.12.1 - Appeals

The following appeal procedures shall be utilized by the Applicant.

- A. Appeal of a decision by the Director or City Engineer.
 - 1. During any process described in this Article, a decision of the Director may be appealed to the Planning and Zoning Commission within ten days of such written decision.
 - a. The appeal shall be filed with the Director on a form prescribed for this purpose provided by the City describing the reason(s) for, and details of, the appeal.
 - b. The appeal shall be acted upon by the Planning and Zoning Commission within 45 days of the date upon which the appeal is filed, unless circumstances beyond the control of the Planning and Zoning Commission require a longer review period. In this case, the Director shall notify the appellant when the appeal will be heard by the Planning and Zoning Commission, but in no case shall the review period be longer than 60 days from the date the appeal is filed with the City.
 - 2. The decision of the Planning and Zoning Commission may be appealed by the Applicant to the Mayor and Council as outlined in Paragraph B below. If not appealed, the decision of the Planning and Zoning Commission shall be incorporated into the Plat or map, and if necessary the Plat shall be resubmitted for review by the Director to assure conformity to the Planning and Zoning Commission's decisions and other requirements.
- B. Appeal of Planning and Zoning Commission
 - 1. Decisions reached by the Planning and Zoning Commission during an appeal of a decision of the Director or City Manager as described in this Section may be appealed to the City Council. An appeal shall be filed within ten days of such decision with the Planning and Zoning Commission. The Mayor and Council shall act upon the appeal within 45 days of the date upon which the appeal was filed with the Director or City Manager, unless circumstances beyond the control of the Mayor and Council require a longer review period. In this case, the Director shall notify the appellant when the appeal will be heard by the City Council, but in no case shall the review period be longer than 60 days from the date the appeal is filed with the City.

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