

**ORDINANCE NO. 2016-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 11, *GENERAL PLANS AND SUBDIVISIONS*, CHAPTER 20, *SUBDIVISION AND LAND SPLIT PROCEDURES AND REQUIREMENTS*, DIVISION 1, SECTIONS 30 AND 40, *PRE-APPLICATION CONFERENCE AND LAND SPLIT AND COMBINATION APPLICATIONS*, TO PROVIDE OPPORTUNITY FOR ADDITIONAL LOT SPLITS FOR LONG-TERM PARCEL OWNERS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, the Flagstaff City Council discussed allowing long-term property owners to split their parcels without following the subdivision regulations in certain instances the last time Council considered Title Eleven of the City Code; and

WHEREAS, the current City Code requires property owners to provide evidence of long-term ownership, but does not establish regulations to allow for additional land split.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. In General.

The Flagstaff City Code, Title 11, General Plans and Subdivision, Chapter 20, Subdivision and Land Split Procedure and Requirements, Division 1, Sections 30 and 40 Pre-Application Conference and Land Split and Combination Applications, is hereby amended as set forth below (deletions shown as stricken, and additions shown as capitalized text):

**11-20.100.030 Pre -Application Conference**

- A. The pre-application conference stage of land split or combination review is an optional investigatory period preceding the preparation and submittal of the land split or combination application by the subdivider. The subdivider shall initially present the land split or combination proposal to the Director who shall advise the subdivider of specific public objectives, standards, and regulations related to the property and the procedure for land split or combination review.
  
- B. An application for land split or combination approval shall include a sketch plan of the proposed land split or combination so that the Director can determine whether the approval process authorized by this Division can and should be utilized. The Director may require the applicant to submit whatever information is necessary to make this

determination, including, but not limited to, a copy of the Coconino County Assessor's Map showing the land being divided and all lots or parcels previously divided from that tract of land and, ~~all contiguous land under the same ownership 15 years prior to December 16, 2010, the effective date of these regulations.~~ FOR EACH PARCEL PROPOSED TO BE DIVIDED, PROVIDE RECORDS SHOWING OWNERSHIP OF THE PARCEL FOR THE PAST FIFTEEN YEARS.

#### **11-20.100.040 Land Split and Combination Applications**

##### **A. Application Submittal:**

1. All land split or combination applications shall include the following materials:
  - a. The required number of copies of the land split or combination map reproduced in the form of blue or black line prints on a white background, or suitable copies showing the proposed Land split or combination, existing conditions including the location of all structures, and anticipated setbacks from existing and proposed property lines;
  - b. Any information required as part of the land split or combination submittal shall be shown graphically, or by note, or by letter, or in combination on the plans, and may if necessary comprise several sheets showing various elements of the required data. All mapped data for the same map shall be drawn at the same engineering scale, said scale not to be greater than 100 feet to an inch;
  - c. A completed land split or combination application form;
  - d. Legal description in a form approved by the Coconino County Recorder's office;
  - e. A non-refundable land split or combination application fee (See City Code, Title 10, Zoning Code, Appendix 2, Planning Fee Schedule), available as a separate document from the Planning Section); and,
  - f. Complete contact information for the subdivider.
- G. FOR EACH PARCEL PROPOSED TO BE DIVIDED, PROVIDE RECORDS OF OWNERSHIP OF THE PARCEL FOR THE PAST FIFTEEN YEARS.
2. All submittals shall be checked by the Director for completeness. If the application is determined to be incomplete, the submittal may be rejected and returned to the applicant for revision and resubmittal.

B. Application Approval Standards:

1. All land split or combination applications shall be designed to comply with the requirements of the specific zoning district within which it is located, including minimum lot area, lot depth, lot width and minimum access requirements.
2. No lot or parcel shall be divided in such a way that any division contains more dwelling units than are permitted by the zoning regulations in the district in which the lot or parcel is situated.
3. IF A PARCEL HAS BEEN UNDER THE SAME OWNERSHIP FOR THE PAST FIFTEEN YEARS, THE PARCEL MAY BE SPLIT AGAIN CONSISTENT WITH THIS CHAPTER AS IF THE PARCEL HAD NOT BEEN SPLIT IN THE PAST.

C. Process for Approval.

1. The subdivider shall submit all of the documents, information, data, and other requirements for approval of a land split or combination to the Director. The subdivider shall also furnish to the Director any additional information and materials relevant to the application that are reasonably believed to be necessary 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 Division and shall ensure compliance with any applicable conditions of approval.
  - b. A subdivider may appeal a final action of the Director to the Planning Commission in accordance with Division [11-20.180](#), Appeals, of this Chapter.

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by

the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**SECTION 4. Effective Date.**

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 22<sup>nd</sup> day of March, 2016.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY