

**TITLE XIV
OFF-SITE IMPROVEMENTS**

CHAPTERS:

14-1: OFF SITE IMPROVEMENTS

14-2: ASSESSMENT FOR STREET CONSTRUCTION

CHAPTER 14-1: OFF-SITE IMPROVEMENTS

SECTIONS:

- 14-1-1: APPLICABILITY OF CHAPTER:
- 14-1-2: OFF SITE IMPROVEMENTS REQUIRED:
- 14-1-3: DETERMINATION OF EXTENT OF OFF SITE IMPROVEMENTS:
- 14-1-4: APPROVAL OF OFF SITE IMPROVEMENT PLANS:
- 14-1-5: COMPLETION OF OFF SITE IMPROVEMENTS:
- 14-1-6: EXCEPTIONS:
- 14-1-7: NONCONFORMING LOT RESULTING FROM DEDICATION OF RIGHT OF WAY:
- 14-1-8: COMPATIBILITY WITH PRESCOTT LAND DEVELOPMENT CODE:
- 14-1-9: CIVIL VIOLATION:

14-1-1: APPLICABILITY OF CHAPTER:

- (A) This chapter shall apply:
1. When a new building is being constructed.
 2. When an addition to an existing building is being constructed, and the addition is valued at fifty percent (50%) or more of the building's value prior to the addition.
 3. When an interior or exterior remodeling is done, and the value of that remodeling is fifty percent (50%) or more of the building's value prior to the remodeling.
 4. When there is any change in use or change in allowed use for which any city approvals are required.
- (B) This chapter shall not apply to a structure which is zoned solely for single-family residential purposes.
- (C) Subsections 14-1-2(A), (C), (E) and (F) of this chapter shall not apply to a property which is scheduled for those improvements in accordance with a capital improvement plan as adopted by the city council. (Ord. 3469, eff. 2-22-1996; amd. Ord. 3652, eff. 8-21-1997)

14-1-2: OFF SITE IMPROVEMENTS REQUIRED:

- (A) Asphalt concrete surfacing, grading, and aggregate base of a roadway or alleyway.

- (B) Traffic control devices and signalization.
- (C) Construction or repair of concrete sidewalks abutting the property.
- (D) Installation of fire hydrants to service the property.
- (E) Construction or repair of curb and gutter which abuts the property.
- (F) Dedication of right of way.
- (G) Completion of traffic area impact studies, or financial contribution towards the cost thereof.
- (H) Utility upgrades to adequately service the property.
- (I) On site and/or off site drainage facilities or improvements. (Ord. 687, 11-9-1964)

14-1-3: DETERMINATION OF EXTENT OF OFF SITE IMPROVEMENTS:

- (A) The improvements required by subsections 14-1-2(A), (B), (G) and (I) of this chapter shall be determined based upon an individualized determination to be made by the public works director that the required improvement (or proportionate amount thereof) is related both in nature and extent to the proposed use of the property.
- (B) The improvements required by subsection 14-1-2(F) of this chapter shall be determined based upon an individualized determination that the required dedication is related both in nature and extent to the proposed use of the property, said determination to be made pursuant to a traffic impact analysis. The public works director shall determine whether or not a traffic impact analysis is required; in that event that such an analysis is required, it shall be paid for by the property owner, and shall be performed by an independent third party acceptable to the public works director.
- (C) In the event that the traffic impact analysis required pursuant to subsection (B) of this section determines that right of way dedication is not required, then and in that event the city of Prescott shall be responsible for paying for the actual cost of said analysis.
- (D) Notwithstanding the provisions of subsection (B) of this section, right of way dedication may be accepted by the city if the property owner voluntarily agrees to dedicate said right of way without the necessity of obtaining a traffic impact analysis. (Ord. 3684, eff. 11-27-1997)

14-1-4: APPROVAL OF OFF SITE IMPROVEMENT PLANS:

- (A) Approval of off site improvement plans consisting of designed and engineered plans shall be prerequisite to the issuance of a building permit. Off site improvements shall be constructed in accordance with the plans approved by the public works director and in accordance with "The Standard Detail Drawings And Uniform Standard Specifications For Public Works Construction".
- (B) When off site improvements are waived and a cash deposit is made in lieu thereof in accordance with section 14-1-5 of this chapter, the submittal of off site improvement plans consisting of designed and engineered plans are not required as a prerequisite to the issuance of a building permit or the issuance of an occupancy permit by the building official. (Ord. 687, 11-9-1964)

14-1-5: COMPLETION OF OFF SITE IMPROVEMENTS:

- (A) Completion of the required off site improvements is a prerequisite to the issuance of a certificate of occupancy by the building official, unless an earlier completion date is required as a condition of city approval in accordance with subsection 14-1-1(A)4 of this chapter. Improvements will be considered complete when they have been inspected and accepted by the public works director, who shall certify in writing to the building official that the required off site improvements have been constructed in accordance with the approved plans.
- (B))If the public works director determines, in his sole discretion, that off site improvements are applicable, but should not be constructed by the property owner, the public works director may waive actual construction of said improvements and require, in their place, a deposit in cash by, or on behalf of, the applicant or property owner, in an amount estimated by the public works director to cover the costs of the installation of such off site improvements. All such sums deposited shall be used to defray the cost of any required off site improvements, and when thus installed the portion of such deposit exceeding the cost of said installation shall be refunded, without interest, to the person making the deposit. Payment of the foregoing sums shall be required prior to the issuance of a certificate of occupancy by the building official, unless an earlier date is set forth as a condition of city approval in accordance with subsection 14-1-1(A)4 of this chapter. (Ord. 3652, eff. 8-21-1997)

14-1-6: EXCEPTIONS:

Where the construction alterations or additions consist solely of the installation or replacement of mechanical equipment, or the alterations or additions do not

constitute a change in use and will not generate additional traffic, off site improvements are not a requirement under this chapter. (Ord. 687, 11-9-1964

14-1-7: NONCONFORMING LOT RESULTING FROM DEDICATION OF RIGHT OF WAY:

When dedication is required by this chapter and the resultant lot or parcel of land whose lot area or street frontage becomes less than that required by the Prescott land development code, said lot or parcel of land shall hereafter be deemed to be a legal lot or parcel of land if said parcel had sufficient lot area and street frontage prior to the dedication. (Ord. 4449, 1-11-2005)

14-1-8: COMPATIBILITY WITH PRESCOTT LAND DEVELOPMENT CODE:

The provisions of this title are not intended to conflict with or waive any of the provisions of title X, chapter 1, "Land Development Code", of this code. (Ord. 4449, 1-11-2005)

14-1-9: CIVIL VIOLATION:

Violation of any provision of this chapter shall be a civil violation and shall be subject to the provisions of section 1-3-2 of this code for each day that the violation continues. (Ord. 687, 11-9-1964)

CHAPTER 14-2: ASSESSMENT FOR STREET CONSTRUCTION

SECTIONS:

- 14-2-1: DEFINITIONS:
- 14-2-2: LIMITATION ON ASSESSMENT:
- 14-2-3: RESOLUTION OF INTENTION:
- 14-2-4: NOTICE OF ASSESSMENT:

14-2-1: DEFINITIONS:

Unless the context otherwise requires:

ACTUAL EXPENSE: The actual cost of: a) construction of or improvements to a public street, as determined by the construction contract price; and b) inspection and permit fees; and c) engineering fees required for the preparation of plans and specifications; and d) other incidental fees and costs incurred by the city in order to complete the improvements.

ALTERATION OR MAJOR ADDITION: The construction, reconstruction, addition to, improvement of, or alteration to an existing structure in excess of fifty percent (50%) of its full cash value as shown on the most recent tax roll of the Yavapai County assessor.

CHANGE OF USE OR PURPOSE: A change of zoning on an existing parcel, lot or piece of property, or the submission of a final plat (or amendment thereto) to subdivide property, or the submission of an application for an exemption or exception to any portion of the Prescott land development code.

DEVELOPMENT OR DEVELOPED: The construction of residential, commercial or industrial buildings or structures, or major additions or alterations to existing structures, and includes new buildings or structures on property having existing buildings or structures situated on such property. When such property is zoned for agricultural or single-family residential use at the time of assessment, development shall also include a change of use or purpose.

PROPERTY OWNER: The individual, corporation, partnership, trust or other legal entity that owns real property adjacent to the street right of way.

STREET: The full width of the right of way of any road, street, highway, alley, land or sidewalk used by or for the general public.

STREET IMPROVEMENTS: Include Portland cement or asphaltic concrete surfacing, aggregate base, curb and gutter, valley gutter, and concrete sidewalk,

and includes the construction of new streets as well as improvements to existing streets. (Ord. 4105, 4-24-2001; amd. Ord. 4449, 1-11-2005)

14-2-2: LIMITATION ON ASSESSMENT:

- (A) The assessment of an individual parcel of property, if adjacent arterial streets are involved, shall not exceed the cost of improving more than one-half (1/2) of the width and not more than one thousand (1,000) linear feet of such adjacent arterial street, except that if any parcel of land is presently being used for single-family residential use and the width of such does not exceed two hundred (200) linear feet, such property shall not be assessed greater than one-half (1/2) the cost of the average residential street within the city of Prescott.
- (B) The assessment of property shall not exceed the actual expense incurred by the city at the time of construction.
- (C) Any assessment under this chapter shall abate if the property has not been developed within ten (10) years of the assessment.
- (D) Upon payment in full of any assessment under this chapter, the public works director shall record a satisfaction of assessment with the Yavapai County recorder. (Ord. 4105, 4-24-2001)

14-2-3: RESOLUTION OF INTENTION:

- (A) Upon the determination of the public works director that the public health, safety, welfare and convenience requires the construction of or improvements to streets be made prior to the development of the adjacent property, a resolution of intention to order the improvement shall be submitted to the city council, together with a description of the manner in which the proposed assessments were calculated.
- (B) Prior to action by the city council, a public hearing shall be held on the resolution of intention. Each property owner which may be subject to any assessments under this chapter shall be mailed written notice of the city council's public hearing at least ten (10) days prior to said hearing. The city council shall receive comment at the public hearing on whether the proposed improvements are required for the public health, safety, welfare and convenience.
- (C) After the public hearing is concluded, the city council shall determine whether the public health, safety, welfare and convenience require the street improvements to be made prior to the development of the adjacent property. If the city council so determines, then the city council shall adopt the resolution of intention to order the improvement, and the expense of

said construction shall be assessed against the property owner in accordance with the provisions of this chapter. Each property owner which is subject to an assessment in accordance with the resolution of intention shall be mailed a copy of the approved resolution of intention. The approved resolution of intention shall also be filed with the Yavapai County recorder within five (5) days of its approval by the city council.

- (D) The resolution of intention shall contain the following:
1. A description of the street, road or highway to be constructed or improved.
 2. A general description of the proposed improvements, including the estimated total cost and cost per linear foot.
 3. The estimated cost of assessment for each affected parcel of property.
 4. The percentage of the actual expense to be assessed against each affected parcel of property.
- (E) The city council's decision on the necessity for street improvements and construction shall be final and conclusive, subject only to appeal as provided in Arizona Revised Statutes section 9-243D. Any such appeal must be filed within twenty (20) calendar days of the council's determination of necessity. (Ord. 4105, 4-24-2001)

14-2-4: NOTICE OF ASSESSMENT:

- (A) Within ten (10) days after the completion of street improvements which are the subject of a resolution of intention approved by the city council pursuant to this chapter, the public works director will:
1. Determine the actual expense of said construction or improvements.
 2. Prepare the actual assessment for each parcel of land which was included within the notice of intention.
 3. Mail a copy of the actual assessment for each parcel of land to the property owner of said parcel.
 4. Record a notice of assessment with respect to each such parcel with the Yavapai County recorder.

- (B) Upon recording the notice of assessment, the amount so assessed shall be a lien upon the real property assessed for a period of ten (10) years thereafter, or until such assessment is paid in full, and such recording shall be notice to all persons of such lien. (Ord. 4105, 4-24-2001)

- (C) The city manager or his designee shall collect any unpaid assessments prior to issuing a building permit for development of any assessed property, or prior to a rezoning application or final plat (or amendment thereto) being approved, or prior to an exemption or exception to any portion of the Prescott land development code being approved. (Ord. 4449, 1-11-2005)