

## CHAPTER 6 - GRADING

### SECTION 6.0 GENERAL:

The issuance of a Zoning Clearance and Building Permit within any zone is required prior to the commencement of any grading and/or grubbing of any area within a lot or parcel.

Note: The area located within twelve feet (12') of any property line located within a Desert Rural (DR) Zone shall be left in a natural undisturbed state, except for driveway and utility service access.

### SECTION 6.1 DESIGN STANDARDS:

The minimum grading design standards as contained in the Town of Cave Creek Technical Design Guideline Number 1 – Grading & Drainage shall apply to all construction projects located within the Town.

### SECTION 6.2 GRADING RESPONSIBILITIES:

The property owner of a lot or parcel which is the subject of any proposed grading, grubbing, excavation, embankment, or fill shall be responsible for the following:

- A. The prevention of damage to all public utilities or services.
- B. The preparation of a Grading & Drainage Plan along with a Drainage Report that complies with the regulations contained within the Town of Cave Creek Technical Design Guideline Number 1 – Grading & Drainage and that specifically addresses public safety and potential property damage is required.
- C. The Grading & Drainage Plan and Drainage Report shall be prepared by an Arizona Registered Civil Engineer and approved by the Town Engineer prior to the issuance of the required Zoning Clearance and Building Permit.
- D. An approved Dust Control Permit, issued by the Maricopa County Department of Environmental Quality (ADEQ), shall be obtained prior to the issuance of the required Zoning Clearance and Building Permit by the Town.

- E. The prominent posting of the approved Zoning Clearance and Building Permit on the subject lot or parcel at least forty-eight hours (48 hrs.) prior to the start of any grading or grubbing work.
- F. The approved Grading & Drainage Plans shall be placed in a conspicuous place on the subject lot or parcel so that they can be viewed from a public right-of-way or access easement.
- G. The notification of the Town, through the Building Department Inspection Line, at least twenty-four hours (24 hrs.) prior to the start of any grading or grubbing work.
- H. The obtaining of an approved Right-of-way Use Permit, issued by the Town Engineer, prior the placement of flags, signs, barricades, etc., so as to ensure adequate safety when working in or near public rights-of-way.
- I. The approval of precautionary measures as outlined within the Town of Cave Creek Technical Design Guideline Number 1 – Grading & Drainage so as to protect adjacent watercourses and public or private property from damage by water erosion, flooding or the accumulation of mud or debris originating from the site by the Town Engineer. Precautionary measures shall include provisions for properly designed sediment control facilities so that downstream properties are not affected by upstream erosion.
- J. The mitigation of any existing excavation, embankment or fill that has become or has the potential to become a public safety hazard, or endangers structures, or negatively impacts the use or stability of a public way or drainage channel. The property owner of the lot or parcel upon which the subject grading, grubbing, excavation, embankment, or fill is located, shall, upon receipt of a Stop Work Order issued in writing from the Town, immediately stop all work and undertake all necessary corrective actions within the time period specified therein, to repair, reconstruct or remove such excavations, embankments or fill so as to eliminate the hazard to the satisfaction of the Town Engineer.
- K. The adequate cleaning of equipment so as to prevent the tracking of dirt and debris onto the Town's rights-of-way.
- L. The protection and maintenance of the flow of existing waterways as provide for within the Town of Cave Creek Technical Design Guideline Number 1 – Grading and Drainage.

- M. The mitigation of the loss of trees, cactus, ground cover, and topsoil on any grading project. A Native Plant Inventory Plan and a Landscape Plan that meets the requirements contained within the Town of Cave Creek Technical Design Guideline Number 4 – Landscaping may be required at the discretion of the Zoning Administrator.
- N. In the event that sub-surface cultural remains or burial goods are encountered during grading and excavation activities, all on-site construction must stop immediately and the Arizona State Museum (ASM) shall be notified per Arizona State Revised Statutes.

## SECTION 6.3 FINANCIAL ASSURANCES:

A Financial Assurance Agreement, found acceptable by the Town, shall be entered into between the applicant and the Town. Said agreement shall be approved prior to the commencement of any grading or grubbing on a hill side lot. The Financial Assurance Agreement shall provide that if the Building Permit expires or the grading/grubbing is not constructed in conformance with the Town approved Grading & Drainage Plan; the funding provided within the Financial Assurance Agreement may be used by the Town for the restoration to original condition, or re-vegetation of any unapproved or unacceptable disturbance.

For sample documents, please refer to the following Zoning Ordinance Exhibits: Exhibit 1 – Escrow Account Agreement & Instructions; Exhibit 2 – Subdivision Performance Bond AND Exhibit 3 – Town of Cave Creek Irrevocable Letters of Credit.

## SECTION 6.4 INTERNATIONAL BUILDING CODE:

The adopted version of the International Building Code (IBC) shall apply to all grading projects.

## SECTION 6.5 CONFLICTS BETWEEN CODES AND ORDINANCES:

In those cases where conflicts between various applicable Federal, State, County and Town regulations, codes and ordinances occur, the more restrictive shall apply.