Article 1.2: Minor Land Division and Minor Subdivision

Sections:

1.201 Purpose and Applicability
1.202 Procedures
1.203 Submittal Requirements
1.204 Reservation of Land for Public Purpose, Minor Subdivision
1.205 Dedication of Rights-of-Way and Easements
1.206 Standards
1.207 Improvements
1.208 Gated Facility Entrances
1.209 Effective Date and Expiration Date
1.2010 Appeals

1.201 Purpose and Applicability

A. ***Purpose.*** The purpose of this article is to provide procedures consistent with State law to regulate and control the minor division and minor subdivision of land within the Town in a manner that will:

1. Insure that lands are suitable for division by reason of availability of water and topography, and are free from flooding, high water table, adverse soils, subsidence, or other natural or man-made hazard to life or property;

2. Insure adequate vehicular and non-vehicular circulation through coordinated street, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining developments and public facilities;

3. Allow the creation of individual lots of reasonable utility;

4. Insure the provision of adequate facilities for utilities, drainage and stormwater retention, and open space;

5. Implement the General Plan and the Zoning Code; and

6. Insure the accurate conveyance of land.

B. ***Applicability***. This article sets forth the requirements for 2 types of land division:

1. *Types.*

a. Minor Land Division. Each of the following shall be a minor land division subject to the requirements of this article:

i. The division of improved or unimproved land whose area is 2.5 acres or less into 2 or 3 lots or parcels for the purpose of sale or lease, where no new street is involved.

ii. The division of improved or unimproved land for the purpose of sale, or lease, whether immediate or future, into 2 parts, where the boundaries of such property have been fixed by a recorded plat.

iii. Lot line adjustments, whether or not a new lot is created.

b. Minor Subdivision. The division of improved or unimproved land of any size for the purpose of sale or lease, into 10 or fewer lots or parcels, whether or not a new street is involved.

2. *Exclusions*. This article does not apply to:

Subdivisions, other than Minor Subdivisions, pursuant to Chapter III, Article 1.1: Subdivision Regulations.

1.202 Procedures

A. ***Minor Land Division.***

1. *Application*. Applications shall be filed in accordance with the application procedures set forth in Chapter I, Article 5.2: Common Procedures.

2. *Process.* The review process for a minor land division shall be established by the Town Engineer. A preliminary plat shall not be required.

3. *Town Engineer Action.* The Town Engineer shall approve or deny the minor land division.

4. *Signature.* Upon approval of a minor land division, and after all other required certifications have been executed, the Town Engineer shall sign the minor land division map.

5. *Recordation.* Improvement plans for the minor land division shall be approved by the Town Engineer prior to recordation of the minor land division map. The Public Works department shall record the minor land division with the office of the Maricopa County Recorder.

6. *Acceptance of Public Improvements*. The approval of the minor land division by the Town Engineer shall not be deemed to constitute acceptance by the Town of

the dedication of any proposed public way, space, or improvement. The process for acceptance of public improvements shall be established by the Town Engineer.

B. ***Minor Subdivision.*** A residential or nonresidential minor subdivision shall be approved by the Town Council.

1. *Application*. Applications shall be filed in accordance with the application procedures set forth in Chapter I, Article 5.2: Common Procedures.

2. *Staff Report*. The Public Works Director shall prepare and transmit a staff report to the Town Council. The report shall include an evaluation of the consistency of the proposed subdivision plat with the Zoning Code, the General Plan, and any applicable specific plan. The staff report shall also provide an analysis and recommendation. A copy of the staff report shall be made available to the public and the applicant prior to the meeting.

3. *Amendment*. All or a part of an approved minor subdivision may be amended. The amendment process shall be the same as the original approval process.

1.203 Submittal Requirements

Application submission requirements are as set forth in Chapter III, Section 1.104: Submittal Requirements, Final Plat Application.

1.204 Reservation of Land for Public Purpose, Minor Subdivision

The Town may require the reservation of land in a minor subdivision for public parks, recreational facilities, school sites, and fire stations for 1 year from the date of recording of a final plat as set forth in ARS § 9-463.01. The reserved land area shall be identified on the minor subdivision plat approved by the Town Council. Prior to the end of the 1 year period, the Town or public agency for whose benefit an area has been reserved may enter into an agreement to acquire the land. If no agreement is reached within the 1 year period the reservation of land shall terminate.

1.205 Dedication of Rights-of-Way and Easements

A. ***Streets, Rights-of-Way and Public Easements.*** All proposed streets, rights-of-way and easements shall be identified on minor subdivision plats. Public easements shall be identified on minor land division maps. Minor subdivision plats and minor land division maps shall contain a dedication for all rights-of-way and public easements. The Town Engineer shall establish required dedication language.

B. ***Private Utility Easements.*** All easements proposed for dedication to a private utility company shall be identified on minor subdivision plats and minor land division maps. The minor subdivision plat and minor land division map shall contain an offer of dedication for all such easements to the appropriate utility company. Acceptance of such offers shall be the responsibility of the utility company.

C. ***Vehicular Non-Access Easements (VNAE).*** Vehicular non-access easements shall be shown on minor subdivision plats and minor land division maps. No driveway or

vehicle gate shall be installed which would permit a vehicle to access or cross a vehicular non-access easement.

D. ***Other Easements.*** Other easements required by the General Plan, the Zoning Code or the Town Engineer shall be shown on minor subdivision plats and minor land division maps.

E. ***Appeals of Dedications and Exactions.*** Appeals of a required minor subdivision plat dedication or exaction filed pursuant to ARS § 9-500.12 or alleged to create a taking pursuant to ARS § 9-500.13 shall comply with the procedures of Chapter I, Section 5.1002A: Appeals, and ARS § 9-500.12G.

1.206 Standards

A. Minor land divisions and minor subdivisions shall conform to the lot, street, block, alley, and easement standards and requirements for subdivisions. All lots or parcels created by a minor land division and minor subdivision shall conform to the General Plan and the Zoning Code.

B. Any lot or parcel shall have a minimum 20 foot wide legal access to a street or nonresidential drive aisle.

C. Any lot or parcel shall have access to all utilities necessary for the uses permitted on the property.

1.207 Improvements

A. ***Improvements Required.*** All minor land divisions and minor subdivisions shall install public and private improvements pursuant to improvement plans approved by the Town Engineer. Improvements include, but are not limited to, streets, utilities, stormwater drainage and retention, recreation and open space facilities, survey monuments, landscaping, street lights, street and traffic control signs, and fencing.

B. ***Preparation of Improvement Plans.*** Improvement plans shall be prepared and sealed by an engineer licensed by the State of Arizona. Improvement plans shall conform to standards established by the Town Engineer.

C. ***Assurance of Construction.*** Assurance of construction of improvements shall be provided as set forth in Chapter III, Section 1.107C: Assurance of Construction.

D. ***Phasing.*** The Town Engineer shall approve any plan for the phased construction of a minor subdivision or minor subdivision improvements.

E. ***Design Standards.*** The Town Engineer shall publish design standards and details for public and private improvements to be constructed within the Town.

F. ***Residential Design and Development Guidelines.***

1. *Low and Medium Density Subdivisions*. Residential subdivisions with a density of 4 units per net acre or less shall comply with the guidelines

established in the *Residential Design and Development Guidelines for Low and Medium Density Subdivisions.*

2. *Medium High Density Framework Guidelines*. Residential subdivisions with a density of more than 4 units per net acre shall comply with the guidelines established in *The Medium High Density Framework Guidelines.*

1.208 Gated Facility Entrances

A minimum of 40 feet of vehicle queuing area shall be provided behind each security control point. The minimum width of the vehicular entry shall be 20 feet in width. A vehicular turn-around area shall be provided between the control point and the security gate. The vehicular turn-around area shall have a minimum interior turning radius of 35 feet and an exterior turning radius of 55 feet.

1.209 Effective Date and Expiration Date

A. ***Effective Date.*** The effective date of the minor land division or minor subdivision shall be the 11th day after approval, if no appeal has been filed.

B. ***Expiration Date.*** A minor land division or minor subdivision shall automatically expire 2 years from its effective date.

1.2010 Appeals

A. ***Minor Land Division.*** Appeals of the decision of the Town Engineer regarding a minor land division, except for appeals filed pursuant to Chapter I, Article 5.10: Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions, shall be heard by the Planning Commission.

B. ***Rights of Appeal.*** Except as provided in Chapter I, Section 5.2011A.2, appeals may be filed by:

1. The applicant;

2. Any other person aggrieved by the final decision of the Town Engineer, and who has standing to appeal pursuant to State law;

3. A member of the Town Council;

4. The Town Manager; or

5. The Director of Planning.

All administrative remedies shall be exhausted prior to bringing legal action in Superior or Federal Court against the Town or any of its boards, commissions, employees, or officers.

C. ***Minor Subdivision.*** Decisions of the Town Council on a minor subdivision plat are final.