Minor Land Division

Procedural Guide & Application

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A. General

A. For the purpose of this Title, a minor land division shall consist of any of the following acts, and shall be subject to the provisions of this Title:

1. "Land splits" as defined in ARS Section §9-463, as follows:

   "The division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land for the purpose of sale or lease."

2. "Minor Land Division" defined as follows:

   "The division of improved or unimproved land for the purpose of financing, sale or lease, whether immediate or future, into two (2) or three (3) tracts or parcels of land, and when a new street is not involved."

   Or

   "The division of improved or unimproved land for the purpose of financing, sale or lease, whether immediate or future, into two (2) parts, and when the boundaries of such property have been fixed by a recorded plat."

B. The preparation, submittal, review, and approval of all minor land divisions located within the Town shall proceed through the following progressive stages, except when otherwise provided herein:

1. Pre-application conference with Town of Marana Planning and Engineering Staff.
2. Submittal of the minor land division application and map by the land divider.
3. Written approval of the application by Planning Director.
4. Recordation of the approved minor land division.

C. Minor land divisions shall provide for the dedications of land, rights-of-way and easements, payment of fees and construction of those offsite and onsite improvements as necessary to protect the general health, safety and welfare of the public. Such improvements are required to implement the provisions of the General Plan, transportation plan and the Town's growth management objectives.

D. Actual construction of improvements to be made according to this Title shall not be required until a building permit or other grant of approval for development is issued by the Town, except that as a condition of approval of a minor land division, the Town may require such construction prior to the issuance of a building permit or other grant of approval for development upon its finding that such construction is or will be necessary at the time set because of the public health and safety, or because the construction is a necessary prerequisite to the orderly development of the surrounding area, and except that the land divider and the Town shall enter into an agreement setting forth the time period within which the requirements shall be met.

B. Pre-Application Conference

The pre-application conference for a minor land division review is an investigatory period preceding the preparation and submittal of the minor land division application by the land divider. The land divider shall initially present his or her proposal to the Planning Department who shall advise the land divider of specific public objectives, standards, and regulations related to the property and the procedure for minor land division review.

C. Minor Land Division Design Standards and Requirements

Except where expressly modified or permitted by Planning Staff, all minor land divisions shall be in general conformity with the lot, street, block, alley, and easement design standards and requirements specified for subdivisions in subsection 06.03.03 of Title 6. All lots created by a minor land division shall conform to existing zoning and the Town General Plan and any applicable Area or Specific Plans.

D. Minimum Required Minor Land Division improvements

Except where otherwise provided in this section, it shall be the responsibility and duty of the land divider to improve or agree to improve all streets, pedestrian ways, alleys, and easements in the minor land division and adjacent thereto required to service the minor land division, and such other improvements as specified for subdivisions in 06.03.02 and 06.03.03 of Title 6. Improvements shall be installed to the permanent line and grade to the satisfaction of the Town Engineer.

A. Minor land division improvements shall not be required as a condition of approval for minor land divisions in the following situations:
   1. In any case when the Planning Director and Town Engineer determines that the improvement of the abutting street or the installation of the other normally required improvements would be impractical because of considerations such as, but not limited to: type and extent of existing street improvements; inability to establish a proper street grade or alignment; physical barriers such as excessive grade of terrain or washes, ditches, canals, buildings or other structures; or other special circumstances where, in the opinion of Planning and Engineering Staff, the immediate installation of the improvements is not deemed necessary to protect the public health, safety and general welfare, and that the waiver of the improvement requirements would not impair the purpose and intent of this Title.
   2. The Planning Director may require, as a condition for the waiver of the required minor land division improvements, the execution of an acceptable form of assurance to the Town of Marana attesting that the owner(s), and their heirs, successors, or assigns agree that they will participate in the cost of the improvements abutting their property at a later date whenever it is deemed necessary by the Town based upon future development in the immediate area.

E. Minor Land Division Applications

A. Application submittal:

1. The land divider shall submit the following materials to the Planning and Zoning Department for review:
   a. Five (5) copies of the minor land division map reproduced in the form of blue or black line prints on a white background.
   b. Completed minor land division application and supplemental forms.
   c. A Title Report (updated to within 30 days).
   d. A nonrefundable minor land division application filing fee to compensate the Town for the costs of examining and processing the minor land division application. *(The required fee for minor land division applications shall be approved by resolution of the Town Council)*.
2. All submittals shall be checked by Planning Staff for completeness. If incomplete as to the requirements set forth in this Title, the submittal may be rejected and returned to the applicant for revision and resubmittal.

B. Application requirements:

1. Every minor land division shall be designed to comply with the requirements of the specific zoning district within which it is located.
2. No lot or parcel shall be divided in such a way that any the division of such lot or parcel shall contain more dwelling units than are permitted by the zoning regulations for which district such applicable to the lot is situated.
3. Any information required as part of the minor land division submittal shall be shown graphically, or by note on plans, or by letter, or by combination thereof, and may comprise several sheets showing various elements of the required data.
4. All minor land division maps shall contain the following information:
   a. Notation of the map as "A minor land division map for (*land-divider's name*)."
   b. Location by quarter-section, Section, Township, and Range.
   c. Legal description of the property involved.
   d. Name, address, and phone number of land -divider.
   e. Scale, north arrow, and dates of preparation and revisions.
   f. Existing street dedications, utility easements, and lot lines of all adjacent properties must be indicated by subdivision name and Pima County Recorder's book and page numbers; unsubdivided land must be identified as such.
   g. Name, address, registration number, and seal of the Registered Land Surveyor preparing the map.
   h. Boundaries of the tract to be divided fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
   i. Location and description of cardinal points of primary interest to which all dimensions, angles, bearings, and similar data on the map shall be referenced. One

j. corner of the minor land division map shall be tied by course and distance to a survey monument approved by the Town.

k. All existing and proposed drainage structures, known floodplains and natural drainage features, as required by the Town.

l. All existing irrigation structures on the property.

m. Location and dimensions of all lots within the minor land division map. All sides of the proposed lots shall be identified by bearings and distances.

n. All lots shall be identified by number or letter.

o. Proposed and existing street dedications and public utility easements shall be identified by course, length, and width.

p. The following certifications must be included on the minor land division map:

(i) Certification by a registered land surveyor preparing the map that the map is correct and accurate, and that the monuments described in it have been located as described.

(ii) Certification of map approval by the Planning Director and Town Engineer.

C. Application approval:

1. The land divider shall submit all of the documents, information, data, and other requirements for minor land division application approval to the Planning Department and shall furnish any additional information and materials relevant to the application that planning staff reasonably believes is necessary in order to understand the subject matter of the application and to ensure compliance with the requirements of this Title. Compliance shall be determined by the Planning Director.

2. The Planning Director shall approve, modify or disapprove applications for minor land divisions pursuant to the provisions of this Title. The procedures for approval, modification, or disapproval of minor land division applications shall be as follows:

a. Approval:

(i) If the Planning Director approves the minor land division application, the Town of Marana shall transcribe a Certificate of Approval upon the map, first making sure that: (1) all conditions of approval have been complied with; (2) the other required certifications have been duly signed; and (3) that any instruments for required street right-of-way dedications have been prepared, executed, and duly recorded.

(ii) After approval of the minor land division, Certification of Approval by the Town of Marana and compliance with subsections 06.07.06 and 06.07.07 hereof, the applicant shall pay to the Town the fee charged by the Pima County Recorder for the recordation of the map, and the Town shall then promptly record the map with the Pima County Recorder.

b. Modification: If the Planning Director finds that the minor land division application requires modification, the land divider will be furnished a letter stating the reasons for the necessary modification. Such modification(s) must be completed within forty-five (45) days of the letter or the land split will require a new submittal.

c. Denial:

(i) If the Planning Director disapproves or denies the minor land division application, the land divider will be furnished a letter stating the reasons for the denial. The

(ii) application may be refiled without additional fee if suitable revisions can be made to resolve the conflicts noted by planning staff as originally proposed without additional fee and if the application is refiled within forty-five (45) calendar days of the Planning Director's action.

(iii) An applicant may appeal a final action by the Planning Director pursuant to Section 06.07.08 of this Title.

F. Engineering Plans for Minor Land Division

A. If improvements are required for minor land divisions pursuant to section 06.07.04 of Title 6, the applicant shall be responsible for the preparation of a complete set of engineering plans, prepared by an Arizona Registered Civil Engineer, satisfactory to the Town Engineer for the construction of the required improvements. The plans shall be prepared in conjunction with the minor land division map.

B. The minor land division map shall not be recorded until all engineering plans for the recorded improvements have been approved by the Town Engineer.

G. Assurance for the Construction of Minor Land Division Improvements

If improvements are required for the minor land division pursuant to section 06.07.04 herein, no building permit for any lot created will be issued until such improvements are completed and the work accepted by the Town Engineer. Required improvements may be waived by the Town if the land divider provides the appropriate (cash or bond) improvement assurance or if all such required improvements have been completed, paid for and accepted, as determined by the Town Engineer.

H. Minor Land Division Appeal

A. Any person aggrieved by a decision of the Planning Director regarding a minor land division may appeal to the Planning Commission within ten (10) days of such decision by the Planning Director. The appeal shall be filed with the Chairman of the Town Planning Commission and shall describe the reasons for, and details of, the appeal. The Town Planning Commission shall act upon the appeal within forty-five (45) days of the date upon which the appeal is filed.

B. Any person aggrieved by the decision of the Town Planning Commission may appeal to the Town Council within ten (10) days of the Commission's decision. Such notice of appeal and all papers constituting the record in the action shall be transmitted forthwith to the Town Council. The Town Council shall hear, review and decide the application within forty-five (45) days of the date upon which the appeal is filed.

C. Findings of the Town Council shall be incorporated into the plat or map and, if found necessary by the Town Council, the plat or map shall be resubmitted for review by the

Planning Director, to assure conformity to the Town Council's decisions and other requirements.

I. Modifications to Requirements of Title

A. Where, in the opinion of the Town Council, there exists extraordinary conditions of topography, land ownership, or adjacent development, or other circumstances not provided for in these regulations, the Town Council may modify the provisions of this Title in such manner and to such extent as it may deem appropriate to the public interest. The burden of proof for Town Council determination of a modification rests with the subdivider and/or land divider.

B. In modifying the standards or requirements of these provisions, as outlined above, the Town Council may make such additional requirements as appear necessary, in its judgement, to substantially secure substantially the objectives of the standards or requirements so modified.

J. Violations and Penalties

A. It shall be a misdemeanor to record or attempt to record a subdivision plat or minor land division map with the Pima County Recorder if such plat or map includes any land within the Town of Marana and such plat or map has not been given approval by the Town.

B. It shall be a misdemeanor to attempt to achieve a minor land division or to achieve a minor land division or to attempt to establish a subdivision or to establish a subdivision of any land within the Town of Marana without first having obtained the approval of the Town as provided for by this Title.