

CHAPTER 12 LAND USE

ARTICLE 12-1 LAND SPLITS¹

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Section 12-1-1 Requirements Generally

The division of any land, lot, parcel or unit for the purpose of sale or lease, whether immediate or future, into two or three lots, parcels or units any one of which is two and one-half acres or less, shall require the submittal and approval of a parcel plat, as described hereinafter. Sale or lease includes every disposition, transfer or offer or attempt to dispose of or transfer land or an interest or estate thereof.

Section 12-1-2 Building Permit Issuance Restriction

No building permit shall be issued for the construction of any building or structure located on a lot or parcel created in violation of the provisions of these regulations.

Section 12-1-3 Conformance Requirements

- A. A land split map shall conform to all applicable policies of the town general plan.
- B. A land split map shall conform to all applicable regulations of the town zoning ordinance.
- C. A land split map shall conform to all present and future street classification plans and requirements.

Section 12-1-4 Applicability of Land Split and Subdivision Processes

¹Ordinance 21-91

The regulations contained in this article apply to all divisions of land created for sale or lease within the corporate limits of the town defined to be a land split.

- A. It is unlawful for any person, partnership or other legal entity to create for sale or lease any parcel that is subject to the requirements of this article until an approved land split map complying with the provisions hereof has been recorded with the recorder's office of the county wherein the platted area lies.
- B. The division of any property into two or more parcels, if a new street is involved, shall proceed through the subdivision process.
- C. The division of any property, the boundaries of which have been fixed by a recorded subdivision plat, into more than two parcels shall proceed through the subdivision process.
- D. The creation of four or more units having the right of exclusive occupancy coupled with an undivided interest in the land, such as in a condominium, horizontal property regime, cooperative, community apartment, townhouse or similar project shall proceed through the subdivision process.
- E. The creation of two or three units having the right of exclusive occupancy coupled with an undivided interest in the land, such as in a condominium, horizontal property regime or similar project shall proceed through the land split map process.
- F. Boundary adjustment plats and deeds, where the land taken from one parcel is added to an adjacent parcel, need not follow the land split requirement provided approval has been given in writing by the planning and building director, and provided that the proposed adjustment does not:
 - 1. Create any new lots;
 - 2. Render any new lots created by the boundary adjustment smaller than those existing prior to the boundary adjustment;
 - 3. Render the setbacks of any new lots created by the boundary adjustment smaller than those existing prior to the boundary adjustment;
 - 4. Impair any existing access, easements or public improvements.

Section 12-1-5 Application and Approval Procedures

- A. The division of land defined by this article to be a land split requires the approval of a land split map by the planning department or the council.
- B. The purpose of the land split map review is to determine the appropriateness of the access and lot design with respect to the contours of the land, to determine whether the setbacks of existing development are being rendered nonconforming with the creation of new lot lines, to determine if a subdivision is being created, and to determine whether or not the proposed land split conforms with town policies and ordinances. Before proceeding with any division of land or the preparation of a parcel plat, the owner or his agent should meet with the planning department for an informal discussion on the proposed land division.

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Section 12-1-6 Application Requirements

Applicants requesting land split map approval shall submit the following to the planning department:

- A. A completed application form;
- B. A nonrefundable seventy-five dollar filing fee to offset the costs of investigating and processing the application;
- C. Three blue-line or black-line prints folded into a nine-inch by twelve-inch size and one mylar (which may be submitted later, but prior to final approval of the land split map);
- D. A title report dated not more than thirty days prior to submittal of the application.

Section 12-1-7 Land Split Map Requirements

- A. The land split map shall be submitted on a transparent reproducible polyester film drawn with india ink at a scale large enough to show all details clearly (normally one inch equals one hundred feet or larger) on a sheet eighteen by twenty-four inches.
- B. The land split map shall show or contain the following information:
 1. A title, to read: Town of Queen Creek Land Split Map (Case Number);
 2. Graphic and written scale, north indicator and date of preparation;
 3. Legal description of the property;
 4. Location and description of existing and proposed monuments to which all bearings, dimensions, angles and similar data shall be referenced. Such data shall be tied to the town datum system;
 5. Boundaries of the property fully balanced and closed showing all bearings and distances (in feet and decimals thereof) determined by an accurate survey in the field;
 6. By note or a legend, identification of any symbols used on the map;
 7. Bearings and dimensions of all parcel lines with each parcel identified by letter and indicating the net area in square feet of each parcel;
 8. Name, course, length and width of existing and proposed street dedication;
 9. Course, length and width of existing and proposed private access, utility, public service and drainage easements;
 10. The identification of adjacent subdivisions and land split maps by record data;

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11. Delineation on the map of any areas identified on the flood insurance rate map as special flood areas;
12. The location of existing structures;
13. A note stating that there are no visible encroachments except as shown on this plat;
14. Paragraphs legally setting forth:
 - a. Owner's certificate
 - b. Acknowledgment
 - c. Surveyor's certificate and engineer's certificate, if applicable
 - d. Certificate of approval (town)
 - e. Recorder's certificate
 - f. Dedication of roadways and/or easements, if applicable.

Section 12-1-8 Administrative Action on Application

- A. The planning department shall review the application and make a determination as to its completeness. The department shall advise the applicant of deficiencies if the application is determined to be incomplete.
- B. Upon determining that an application is complete, the planning department may distribute materials to all appropriate agencies and utility providers for their recommendations.
- C. The planning department shall render a written decision on the proposed land split.
- D. A copy of the decision shall be sent to the applicant, advising him that he may appeal the decision to the town council.

Section 12-1-9 Approval Criteria

The planning department and the town council, in evaluating and making decisions on land split proposals, shall consider the following criteria:

- A. The land split proposal's consistency with the town's general plan;
- B. The proposal's conformity to the town's zoning ordinance;
- C. The proposal's conformity to other applicable sections of the code;
- D. The proposal's conformity with the town's street classification plan;

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- E. The proposal's lot size and design with respect to the site's topography;
- F. The identification of any setback problems with respect to any existing development on the property and the new parcel boundaries to be created;
- G. A determination from the title information and lot/street design that a subdivision is not being created;
- H. That, prior to recordation, the signatures written in india ink and all required stamps are in place;
- I. Other pertinent criteria.

Section 12-1-10 Recordation

The approved mylar copy, fully executed and reflecting all requirements of approval, shall be recorded in the Maricopa County recorder's office with four copies thereof returned to the planning department.

Section 12-1-11 Appeals to Council

An appeal of the department's decision must be filed with the town clerk's office within thirty days of the date of the decision. The town council shall consider the appeal no earlier than fourteen days nor later than forty-five days from the date of the filing of the appeal.