

# **SECTION 9-6-6**

## **LAND SPLITS**

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## LAND SPLITS

9-6-6:

**(A) PURPOSE AND INTENT:**

This subsection is intended to implement procedures whereby property owners may split parcels of land in compliance with the following objectives:

1. To protect and promote the public health, safety, convenience and welfare.
2. To implement the City of Mesa General Plan and its elements.
3. To provide building sites of sufficient size and appropriate design for the purposes for which they are to be used.
4. To provide adequate pedestrian and vehicular access for individual lots.
5. To provide for water supply, sewage disposal, drainage, dust control and other requirements necessary to protect the environment and to promote the aesthetics of the City.
6. To allow the further intensification of land uses through the land split process only in areas that are improved with public facilities and provided with public services so that negative or undesirable impacts to the public are minimized.

**(B) APPLICABILITY:**

The regulations contained in this Section shall apply to all divisions of land made within the corporate limits of the City of Mesa since January 1, 1974, or other divisions determined by the Planning Director to be a land split.

It shall be unlawful for any person, partnership, or other legal entity to sell or offer a contract to sell any parcel that is subject to the requirements of this regulation until an approved land split map complying with the provisions of this regulation has been filed with the Community Development Department and approval given by the Planning Director.

The division of any property into four (4) or more parcels, or if a new street is involved, shall proceed through the subdivision process. The division of any property, the boundaries of which have been fixed by a recorded plat into more than two (2) parcels, shall proceed through the subdivision process, unless waived by the Planning Director.

The creation of two (2) three (3) 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.

These regulations may be modified by the Planning Director when the division of land involves two (2) or more separately owned parcels which cannot be subdivided into lots in accordance with the standards and procedures set forth in Section 9-6-2 of this regulation, and with the

zoning regulations of the zoning district in which they are located. All affected property owners must agree to the following:

1. To follow a "Neighborhood Plan" (NP) prepared either by the Department or others.
2. To dedicate their portion of any public street shown on the approved "Neighborhood Plan" (NP), at the time at least two (2) key parcels desire to subdivide as determined by the City Engineer and the Planning Director.
3. To provide the minimum standards for dust-proofing and road base support in accordance with Public Works and Fire Department standards necessary to support the vehicles that will serve this area.
4. To participate in any improvement district(s) initiated by the City or the property owners to provide water and sewer and other public street improvements.
5. To participate in any necessary land acquisitions to provide required drainage retention facilities to control flooding.

Boundary adjustment plats and deeds, where land taken from one (1) parcel is added to an adjacent parcel, shall not be considered to be a land split under the terms of this Section, provided that the proposed adjustment does not: 1) Create any new lots; 2) Render any existing lot substandard in size or shape; 3) Render substandard the setbacks to existing development on the affected property; and 4) Impair any existing access, easement, or public improvement.

**(C) RELATIONSHIP TO OTHER REGULATIONS:**

1. A land split shall conform to all applicable policies of the General Plan.
2. A land split map shall conform to all applicable regulations of the Zoning Ordinance.
3. A land split map shall conform to the adopted street details and standards.
4. All public improvements required under this regulation shall conform to the Development Regulations of Section 9-6-4 of this regulation.
5. A land split shall conform to the requirements for dedications as set forth in Section 9-8-3(F) Rights-of-Way Dedication Table of the Mesa City Code.

**(D) APPLICATION AND APPROVAL PROCEDURES:**

1. The division of land into two (2) or three (3) parcels and under those special conditions described in Subsection (B) of this Section, requires the approval of a land split map. 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 if the setbacks of existing development on the site(s) are being rendered to be in violation with the creation of new lot lines, to determine if a subdivision is being created, and to determine the conformity of the proposed land split to City Policies and Ordinances. Land splits shall proceed through the required approval process. Anyone requesting

land split map approval shall submit the following to the Community Development Department:

- (a) A completed application form.
  - (b) A fee as established in the most recent Mesa Schedule of Fees and Charges.
  - (c) A list of real property owners with addresses adjacent to the parcel proposed to be split, as determined from the latest equalized assessment roll of the County Assessor's Office.
  - (d) A chain of title or a history of the ownership of the parcel proposed to be split, dating back to January 1, 1974, furnished by a recognized title company. Such information shall be presented so that it may be determined if the proposed land split does or does not constitute a subdivision.
2. The information required for the land split map shall be shown graphically or by note on plans at a standard engineering scale large enough to show all details clearly. The size of the map shall be either 18" x 24" or 24" x 36" and shall contain the following information:
- (a) Name, address, and telephone number of the property owner(s).
  - (b) Name, address, and telephone number of the engineer or land surveyor preparing the map, including professional seal and signature.
  - (c) Graphic and written scale, north indicator (up or to the right), and date of preparation.
  - (d) Legal description of the property.
  - (e) The General Plan designation for the subject site.
  - (f) The existing zoning classification of the subject site and adjacent properties.
  - (g) The topography of the site shown at one foot (1') contour intervals if the site slopes less than five percent (5%); two foot (2') contour intervals if the site slopes up to twenty percent (20%); and five foot (5') contour intervals if the site slopes more than twenty percent (20%). (This requirement may be waived by the Planning Director, upon documentation or good cause.)
  - (h) The property boundaries of the existing site and of all property within one hundred fifty feet (150').
  - (i) The parcel boundaries of the proposed parcels to be created and the net area (the area exclusive of roadways dedicated to the public) in square feet of each parcel.
  - (j) The location of existing streets and right-of-way proposed to be dedicated with all dimensions.
  - (k) The locations of existing structures, fences, walls, etc.

- (l) Any additional pertinent information as required by the staff, such as copies of current "covenants, conditions and restrictions" (C.C.&R's), in the case of land splits in recorded subdivisions.
3. Community Development staff shall review the application and the proposed land split map for completeness and accuracy. When deficiencies are determined, these shall be noted and relayed to the applicant. No decision shall be rendered until the application is determined to be complete. Department staff in evaluating and making decisions on land split proposals shall consider the following criteria:
- (a) Consistency of the proposed land split with the General Plan.
  - (b) Conformity of the proposed land split to the Zoning Ordinance.
  - (c) Conformity of the proposed land split to Section 9-6-3 (Subdivision Design Principles and Standards) and other applicable sections of the Subdivision Regulations.
  - (d) Conformity of the proposed land split with the City's existing street patterns and details.
  - (e) Lot size and design results from the proposed land split in relation to the site's topography.
  - (f) Determination from the title information and lot/street design that a subdivision is not being created.
  - (g) Other pertinent criteria.
4. An improper land split renders the property involved unsuitable for building and not entitled to a construction permit.