

ORDINANCE 2005-34

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; AMENDING CHAPTER 18.03 (GENERAL DEFINITIONS) TO REDEFINE THE DEFINITION OF "LOT"; AND AMENDING THE PIMA COUNTY CODE (TITLE 18) BY ESTABLISHING A NEW CHAPTER 18.70, MINOR LANDS DIVISION; AND AMENDING ORDINANCE NUMBER 1997-46 FOR FEES FOR VARIOUS SERVICES PROVIDED BY THE DEVELOPMENT SERVICES DEPARTMENT.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1: That Chapter 18.03 of the Pima County Code is hereby amended as follows:

**CHAPTER 18.03
DEFINITIONS**

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18.03.020 Definitions

L. Definitions "L."

1. Landscape architect: A professional registered with the state of Arizona to practice landscape architecture.
2. Large scale retail establishment: A single building that includes retail and related uses, occupying more than 80,000 square feet under one roof and in one ownership. This includes wholesale clubs and related uses.
3. Lot: A parcel of land with fixed boundaries as reflected on a deed, subdivision plat, record of survey or court order.
4. Lot, corner:
 - a. A lot located at the junction of two or more intersecting streets, having an interior angle of less than one hundred thirty-five degrees, with a boundary line thereof bordering on two of the streets;
 - b. The point of intersection of the street lot lines is the corner.

SECTION 2: That Chapter 18 of the Pima County Code is hereby amended by adopting a new chapter, 18.70, “Minor Lands Division” to read as follows:

**CHAPTER 18.70
MINOR LANDS DIVISION**

Sections:

- 18.70.010 Purpose**
- 18.70.020 Definitions**
- 18.70.030 Permit Required**
- 18.70.040 Applicability**
- 18.70.050 General Requirements**
- 18.70.060 Procedures**
- 18.70.070 Exceptions**
- 18.70.080 Violations, Penalties, & Enforcement**

18.70.010 Purpose

The purpose of this Chapter is to protect the public health, safety, and welfare by providing for the review of all land divisions, unless otherwise excepted by this Chapter, in order to determine whether the resulting lots, parcels, or fractional interests meet or provide for the following:

- A. Minimum applicable zoning requirements.
- B. Legal access.
- C. Physical access.
- D. Reservation of utility easements on the lots, parcels, or fractional interests being created.

18.70.020 Definitions

- A. Applicant: Owner or owner’s authorized agent of land subject to this Chapter.
- B. Minimum applicable county zoning requirements: The minimum acreage and dimensions of the resulting lot, parcel or fractional interest as required by the Pima County Zoning Code.
- C. Legal access: A right of legal ingress and egress to and between the lots, parcels, or fractional interests being created.
- D. Lot: Refer to section 18.03.020L.3.
- E. Physical access: Access that is traversable by a two-wheel drive passenger motor vehicle.
- F. Subdivision: Refer to section 18.69.020A.14.a.

18.70.030 Permit Required

- A. No land may be divided into five or fewer lots, parcels, or fractional interests, any of which is ten acres or smaller, unless a land division permit has been issued by Pima County.
- B. Payment of an applicable land division fee in accordance with the adopted fee schedule is required as a condition of obtaining a land division permit.

18.70.040 Applicability

- A. The provisions of this Chapter apply to all land divisions of a parcel into five or fewer lots, parcels, or fractional interests, any of which is ten acres or smaller in size, unless otherwise excepted by this Chapter.
- B. County issuance of a land division permit under this ordinance is not a representation that the division complies with state laws or county ordinances regarding the subdivision of land.
- C. It is unlawful for a person, or group of persons acting in concert, to attempt to avoid the provisions of this Chapter or other county ordinances and state subdivision laws by dividing a parcel of land into six or more lots, parcels, or fractional interests or to sell or lease six or more lots, parcels, or fractional interests, by using a series of owners or conveyances.
- D. Failure to obtain a land division permit prior to dividing land into lots, parcels, or fractional interests shall be a violation of this Code.

18.70.050 General Requirements.

- A. No parcel of land may be divided into five or fewer lots, parcels, or fractional interests without complying with this Chapter and obtaining a land division permit, unless otherwise excepted by this Chapter.
- B. All improvements to and development of land divided pursuant to this Chapter must comply with all other applicable Pima County Code provisions.
- C. A building, or use permit shall not be issued for development on any lot, parcel, or fractional interest that does not comply with the provisions of this Chapter.
- D. A land division application that does not comply with one or more of the items listed in section 18.70.060A may still have a permit issued if the applicant signs and records an acknowledgment that no building or use permit will be issued until the lot, parcel or fractional interest meets the minimum zoning requirements, has legal access, physical access, and has reserved utility easements.
- E. The granting or issuance of any certificate, permit, registration or other approval pursuant to this Chapter requires compliance with all other applicable laws and Pima County Code provisions.

18.70.060 Procedures

- A. Submittal of Application. The applicant must submit a properly completed and filled out land division application and any required supporting documentation for staff review as set forth below.
 - 1. An application applies to all land divisions described in Section 18.70.040A and requires:
 - a. All of the following:
 - 1. A complete land division application and a survey sealed by a registered land surveyor showing the property boundary lines, the locations of existing structures, legal access, average cross slope, lot area, lot width, and utility easements for each lot, parcel, or fractional interest being created. The

applicant may substitute an ALTA survey for the purposes of meeting this requirement at its discretion;

2. A standard preliminary title report demonstrating that there is legal access to each lot, parcel, or fractional interest being created from a public right-of-way;

3. A statement from a registered professional engineer or a licensed surveyor stating that the resulting lots, parcels, or fractional interests being created will have physical access that is located within the boundaries of the legal access;

4. Identification of all topographic, hydrologic or other site constraints, requirements or limitations that must be addressed as a condition of the eventual issuance of a building or use permit, including, but not limited to, identifying all areas for each lot, parcel, or fractional interest being created that lie within the hillside development overlay zone or regulatory floodplain as defined by the Federal Emergency Management Agency (FEMA) or by Pima County. For Section 18.70.060, there shall be no requirement for independent studies; or

b. A signed written acknowledgment from the property owner that has been recorded with the Pima County Recorder's Office and acknowledges that no building permit or use permit will be issued until the lot, parcel, or fractional interest meets the minimum zoning requirements, has legal access, will have physical access from a public right of way, and has reserved utility easements.

B. Review of Application

1. Applications shall be reviewed in 30 days pursuant to an application checklist. The thirty-day time period shall start once the application is determined to be complete by the Development Services Director or the Development Services Director's designee.

2. Upon review, staff will issue a land division permit or return the application to the applicant as an incomplete submittal.

3. A complete application that is not reviewed within the thirty-day time period shall be deemed approved.

18.70.070 Exceptions

The following are excepted from the requirements of this Chapter:

A. Creation or realignment of a public right-of-way by a public agency;

B. Creation or realignment of a conservation easement, public easement, private easement, or any other easement as recognized by Pima County;

C. Creation or realignment of a special assessment district;

D. Sale, lease, transfer or development of space within an apartment, industrial or commercial building;

E. Compliance with a court order to divide the land;

F. Cemetery lots;

G. Subdivisions created under the authority of A.R.S. Titles 11 and 32, and Chapter 18.69 of the Pima County Zoning Code;

H. Division of land within a commercial or industrial zoning district;

- I. Division of land within the Transitional (TR) and Multiple Use (MU) zoning district, if used solely for nonresidential purposes;
- J. Division of land for sale, lease, or exchange between adjacent property owners, if the sale, lease or exchange does not create additional lots, parcels or fractional interests of sufficient size and configuration that would require a building or use permit under the Pima County Zoning Code.

18.70.080 Violations, Penalties, and Enforcement

A. The enforcement of this chapter and conditions of the land division permit shall be in accordance with Chapter 18.95 (Compliance and Enforcement).

B. Penalties

A violation of this Chapter shall result in the assessment of civil penalties in an amount provided by Section 18.95.040. Payment of a civil penalty shall not relieve any person from the requirement to comply with the terms of this Chapter.

SECTION 3: That Ordinance Number 1997-46 for fees for various services of the Pima County Development Services Department is hereby amended as follows:

TABLE 3-A – LAND DIVISION PERMITS

1. Land Division Permits.

- a. Application
\$150 per lot, parcel, or fractional interest created.

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SECTION 4: That this ordinance shall become effective six months from the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this _____ day of _____, 2005.

Chair, Board of Supervisors

ATTEST:

Date signed: _____

Clerk, Board of Supervisors

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Civil Deputy County Attorney

Executive Secretary, Pima County
Planning and Zoning Commission