



SECTION 17.04.050

MINOR LAND DIVISIONS

17.04.050 Minor Land Divisions:

1. In the minor divisions of land in terms of A.R.S. § 9-463.02 and the Town Code Section 17.04.020, land or lands that are proposed to be divided for purposes of sale or lease into three (3) or fewer lots or parcels do not result in a “subdivision” or “subdivided lands” as defined in A.R.S. § 9-463. Each lot or parcel shall comply with minimum applicable town zoning requirements and have legal frontage. Legal frontage is a town accepted and maintained road/street. Any lot proposed to be created through the minor division of a parcel shall not be sold until a recorded deed and survey map showing the (split) division has been approved by the Planning and Zoning Department as complying with all applicable provisions of this ordinance.
2. Purpose: The purpose of this ordinance is to provide a process to divide land into, three (3) or fewer lots, tracts, parcels, sites or divisions with a level of review to ensure the division of land complies with zoning ordinances, zoning map and does not constitute a subdivision as defined by A.R.S. 9-463.02. This ordinance is not intended to prohibit or prevent the division of land as authorized and permitted by the Arizona Revised Statutes and the Town of Eagar Zoning and Subdivision Ordinance.
3. Applicability: The provisions of this Section shall apply to all divisions of land not considered a subdivision located within the incorporated boundary of the Town of Eagar.
4. Application: A minor land division application shall be filed with the Planning and Zoning Department on a form provided by the Planning and Zoning Department.
 - A. Submittal & Fee
 1. Prior to the recordation of a deed dividing land into three (3) or fewer parcels of land, for the purpose of sale, lease, or transfer of ownership, the owner shall submit a minor land division application to the Planning and Zoning Department.
 2. The processing fee is set by the Town of Eagar Council by Resolution. If application is made after the deed is recorded the processing fee will be doubled.
 - B. Survey Map: A Registered Land Surveyor (R.L.S.) shall prepare the legal

descriptions and map. The map shall be of a format acceptable to the County Recorder (See A.R.S. 11-481) and shall include:

1. A North arrow.
 2. The boundaries of the section (or portion thereof) within which the minor land division lies.
 3. The boundary lines of the minor land division and the lots within it, including their bearings and distances.
 4. Location and width of all easements within and bordering the minor land division
 5. Width of easements and Town accepted roads bordering the property.
5. Review Criteria: The deed and survey map shall conform to the requirements of all the applicable Town Zoning Code. In addition:
- A. The design, shape, size, and orientation of the tracts should be appropriate for the use, which the division is intended, and to the character of the area in which they are located.
 - B. If a new street is created in the division of lots, parcels or lands, then by law is a subdivision and must conform to Section 17.04.040.
6. Administrative Review: To approve a minor land division, the Planning and Zoning Department must find the following conditions exist:
- A. Ownership of property being split is demonstrated through a deed or other acceptable documents showing ownership and legal access to the parcel.
 - B. The newly created parcels shall meet minimum development standards required by the Town Zoning Code.
7. Action by the Town Planning and Zoning Department: Upon receipt of the submitted documents, the Town Planning and Zoning Department shall review them to determine their completeness. If the application is complete, it shall be date stamped showing the working day it arrived complete. If the submitted documents and information are found to be incomplete or insufficient, the applicant shall be notified of the deficiencies and informed the application will not be formally accepted for processing until the missing items are submitted. Upon receipt of the completed application, the Town Planning and Zoning Department shall:
- A. Distribute the submitted application for review and comment to the appropriate departments as deemed necessary by the Planning Director.
 - B. Review the submitted survey map and supplemental information to determine compliance with these Ordinances and prepare its report, which shall include comments received from other departments.

C. Based on the above findings, the Planning and Zoning Director may then approve, conditionally approve, or deny the application within 15 working days from the date a completed application was filed unless the applicant consents to an extension of the review period in writing.

D. Where the resulting parcels do not meet the review criteria and the survey has been recorded, the town may, have a Notice of Code Violation recorded with Apache County Recorder's Office. Nothing herein shall be construed to create a right or expectation of such approval and no building or use permit may be issued by the Town until the parcel has met the review criteria. It shall be the responsibility of the landowner to remedy all deficiencies.

8. Approval: If the Planning and Zoning Director approves the application, he or she shall enter the following certification on the approved record of survey:

I, _____, Planning and Zoning Director of the Town of Eagar, certify that this plat creates a minor land division subject to and approved in accordance with the Town of Eagar Subdivision Ordinance, and that it meets all statutory requirements for recording.

Date

Planning and Zoning Director



TOWN OF EAGAR MINOR LAND DIVISION APPLICATION

APPLICANT

Name: _____

Mailing Address: _____

Contact Person: _____

Phone: _____ Fax _____

E-mail: _____

SUBMITTAL CHECKLIST

- Minor Land Division application.
- A non-refundable processing fee.
- A survey map that has been prepared by a registered Land Surveyor.
- All required deeds and easements.

PROPERTY INFORMATION

Assessor's Parcel # _____

Subdivision _____

minor

Lot # _____

Zoning _____

Address/Location: _____

Lot Size: _____

Existing Frontage and Utility Easements

CERTIFICATION & SIGNATURE

In accordance with the definition contained in the Arizona Revised Statutes Section 9-463.02, any

land division which are the result of any individual creating 3 or less parcels qualifies for consideration under Section 17.04.05 as a minor land division. All other land divisions not meeting these requirements are a subdivision and must meet all the requirements in Title 17, Subdivisions in the Town of Eagar Code.

I here by certify that there is legal frontage on all parcels created.

Minor Land Division Request

Signature of applicant: _____

Please provide a brief description of the request.

_____ Date:

Official Use Only			
Received By	Date	Planning & Zoning Action	
_____	_____	Approved _____	Denied _____
Receipt# _____	Fee _____	Comments: _____	
Permit# _____	_____		
_____		_____	
10/20/2006	Signature _____	Date: _____	



TOWN OF EAGAR
MINOR LAND DIVISION APPLICATION

NEW PARCELS

--PARCEL #1--

LEGAL DESCRIPTION OF NEW PARCEL #1: _____

PROPOSED ACCESS AND UTILITY EASEMENTS: _____

--PARCEL #2

LEGAL DESCRIPTION OF NEW PARCEL #2: _____

PROPOSED ACCESS AND UTILITY EASEMENT: _____

--PARCEL #3--

LEGAL DESCRIPTION OF NEW PARCEL #3: _____

PROPOSED ACCESS AND UTILITY EASEMENT: _____
