



LOT SPLIT

PROCESS GUIDE & APPLICATION

Town of Buckeye
Community Development Department
530 East Monroe Avenue
Buckeye, Arizona 85326

Phone: 623.349.6200

Fax: 623.349.6222

www.buckeyeaz.gov

APPLICATION PROCEDURES LOT SPLIT

Important Information:

- A lot split is permitted only for 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, as defined in A.R.S. § 9-463 and Section 6.2.3 of the Development Code.

The following information is provided to assist in the preparation and submittal of an application for a lot split of property within the Town of Buckeye. The request will be considered and a final decision will be made by the Town of Buckeye Community Development Director.

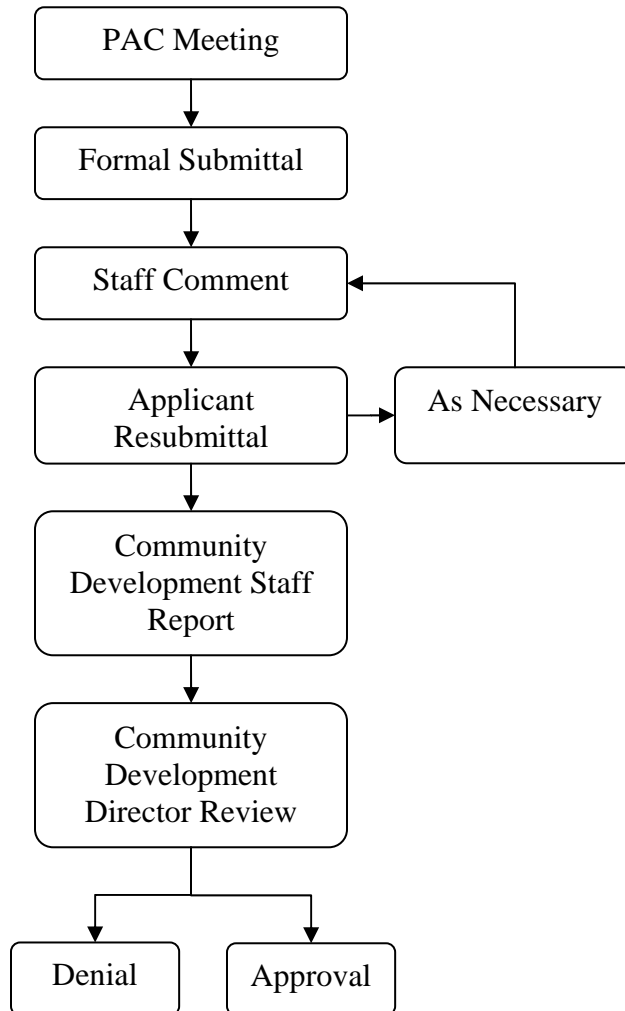
1. *Pre-Application Conference (“PAC”) Process* – **Prior to filing an application for a lot split, the applicant must complete the PAC review process.** Forms to apply for a PAC review are available through the Community Development Department or on the Town’s website (www.buckeyeaz.gov). PAC meetings are held on the second (2nd) and fourth (4th) Thursday each month. The PAC process takes approximately four (4) weeks.
2. *Application Filing* – For an application to be accepted, the applicant must provide all of the required information described on the submittal checklist at the time of formal submittal. It shall be the responsibility of the applicant to ensure the accuracy and completeness of the request. Applications received after 4:00 p.m. will be processed the next business day. Incomplete applications will NOT be accepted.
3. *Staff Review* – Once a complete application is received and processed, the submitted information will be assigned to a Project Coordinator (“PC”) and routed to appropriate Town staff and agencies for review/comment. After this review, the PC collects and consolidates the comments, which are then returned to the applicant.

The applicant is then responsible for addressing the comments and submitting revised plans. Upon resubmittal, the staff review process will begin again albeit at an expedited pace. In some cases, it is necessary to have several resubmittals before moving the request forward in the process.

4. *Staff Reports* – Once all staff comments have been addressed, the PC will prepare a report describing and evaluating the proposed project and making a recommendation for action to the Community Development Director. Copies of the staff report will be made available to the public and sent to the applicant prior to presentation to the Community Development Director.
5. *Community Development Director Review* – The Community Development Director, taking into consideration staff recommendation, will approve, approve with modifications and/or conditions, or deny the request.

6. *Inactive Cases* – All applications need to be actively pursued to a decision. If the Town has completed any and all appropriate reviews and no activity has occurred for the continued processing of the application on behalf of the applicant for at least for one hundred eighty (180) days, the application will be considered inactive, deemed to be withdrawn, and the file will be closed. Thirty (30) days prior to the inactive date, staff will notify the applicant in writing of the impending action. The applicant may submit a written request for the application to remain active along with an explanation for the inactivity. The Community Development Director may grant an extension for up to one hundred eighty (180) days for good cause if there is reasonable belief that the application will be actively pursued during the extension period.

Lot Split Process



SUBMITTAL CONTENT REQUIREMENTS

1. Development Application

- Complete and signed application containing all information relative to a lot split.
 - If the applicant is not the property owner, the applicant must provide authorization from the property owner that the application is being filed with their permission.

2. Project Narrative – State the purpose for the lot split, current site conditions, and describe what each parcel will be used for in the future.

3. Proposition 207 Waiver

- Must be submitted prior to approval of the application by the Community Development Director.

4. Maps/Graphics

- Plot plan, with dimensions, describing the original lot configuration; and
- Plot plan, with dimensions, describing the proposed lot configuration.

5. ALTA Survey

6. Maricopa County Assessor's Parcel Map

7. Lot Split Exhibit

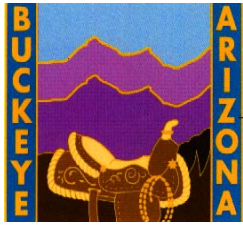
8. Additional Material – The Community Development Department may request additional submittal items.

Lot Split 1st Submittal Checklist
(Please provide original list with formal submittal)

<u>REQUIRED MATERIALS</u>	Applicant Checklist	Staff Verification
Application – 6 copies.....	<input type="checkbox"/>	<input type="checkbox"/>
Completed Fee Worksheet w/ Appropriate Fee	<input type="checkbox"/>	<input type="checkbox"/>
Project Narrative – 6 copies.....	<input type="checkbox"/>	<input type="checkbox"/>
Proposition 207 Waiver	<input type="checkbox"/>	<input type="checkbox"/>
Maps or Graphics – 6 copies.....	<input type="checkbox"/>	<input type="checkbox"/>
ALTA Survey (conducted within the last 12 months):		
3 full size (24" x 36") copies folded to approximately 9" x 12".....	<input type="checkbox"/>	<input type="checkbox"/>
3 reduced (11' x 17") copies folded to approximately 8.5" x 11".....	<input type="checkbox"/>	<input type="checkbox"/>
Maricopa County Assessor's Parcel Map:		
6 copies – 8.5" x 11" highlight project area and provide parcel numbers.....	<input type="checkbox"/>	<input type="checkbox"/>
Lot Split Exhibit – 6 copies (24" x 36").....	<input type="checkbox"/>	<input type="checkbox"/>
Additional Materials (6 copies):		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Subsequent Submittals:

- Submit six (6) copies of all requested materials to the Community Development Department. In addition to the two (2) copies of requested materials submitted directly to Engineering, please provide one (1) additional copy to the Community Development Department.
- For all materials submitted to Woody Scoutten, BJY, or WLB, the initial processing fee covers the first (1st) and second (2nd) review. For all subsequent reviews, review fees are calculated on a per hour basis and will be the direct responsibility of the applicant.



Town of Buckeye

Project Application

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY

Date: _____

Project Coordinator: _____

Case No: _____

Project Name: _____ Associated Cases: _____

Project Address/Location: _____

Current Zoning District: _____ Parcel Number(s): _____ Quarter Section: _____

Request: _____

Case Type:

- | | | |
|--|---|---|
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> General Plan Amendment (major/Minor) | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Area Plan | <input type="checkbox"/> Land Division/Lot Split | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Community Master Plan | <input type="checkbox"/> Map of Dedication | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Development Review Team | <input type="checkbox"/> Preliminary Plat | |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Rezoning | |

The property owner shall designate an agent as the coordinator for the project. This person (the applicant) shall attend pre-application conferences and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required.

All contact for this project will be made through the applicant listed below.

Owner Contact: _____

Company: _____

Phone: _____ Fax: _____

E-mail: _____

Address: _____

City: _____ State: _____ Zip: _____

Developer Contact: _____

Company: _____

Phone: _____ Fax: _____

E-mail: _____

Address: _____

City: _____ State: _____ Zip: _____

Architect Contact: _____

Company: _____

Phone: _____ Fax: _____

E-mail: _____

Address: _____

City: _____ State: _____ Zip: _____

Engineer Contact: _____

Company: _____

Phone: _____ Fax: _____

E-mail: _____

Address: _____

City: _____ State: _____ Zip: _____

Applicant Contact: _____

Company: _____

E-mail: _____

Phone: _____ Fax: _____

Address: _____

City: _____ State: _____ Zip: _____

Owner Signature _____

Date _____

Applicant Signature _____

Date _____

Community Development Department

530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6200 Fax 623.349.6222



Town of Buckeye

Project Application-Continued

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY

Date: _____

Project Coordinator: _____

Case No: _____

Project Name: _____

Project

Location: _____

Proposed Property Details:

Single-Family Residential

Multi-Family Residential

Commercial

Industrial

Other: _____

Current Zoning: _____ Proposed Zoning: _____

Number of Buildings: _____ Parcel Size: _____

Gross Floor Area/Total Units: _____ Floor Area Ratio/Density: _____

Parking Required: _____ Parking Provided: _____

Setbacks: Front- _____ Rear- _____ Side- _____ Side- _____

Historical Site: YES NO Lot Coverage (%) _____ Landscaping (%) _____ Open Space (%) _____

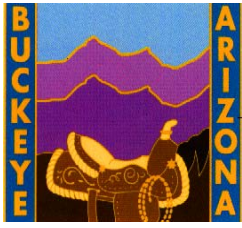
Existing Condition: _____

General Plan Designation: _____

Description of Request:

Community Development Department

530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6200 Fax 623.349.6222



Town of Buckeye

Project Application-Continued

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY

Case ID: _____

Project Coordinator: _____

Project Address/Location: _____

Date: _____

Proposed Use: _____

Zoning District: _____

TO BE COMPLETED BY APPLICANT		CALCULATIONS	TO BE COMPLETED BY TOWN
COMMERCIAL	RESIDENTIAL		
		Net Lot Area	
		Gross Lot Area	
		Gross Floor Area Allowed	
		Gross Floor Area Provided	
		Building Volume Allowed	
		Building Volume Provided	
		Number of Units or Lots	
		Density Allowed	
		Density Provided	
		Minimum Lot Size Allowed	
		Minimum Lot Size Provided	
		Building Height Allowed	
		Building Height Provided	
		Net Floor Area	
		Parking Spaces Required	
		Parking Provided On-Site	
		Parking Provided Off-Site	
		Total Parking Provided	
		Open Space Required	
		Open Space Provided	
		Front Open Space Required	
		Front Open Space Provided	
		Parking Lot Landscaping Required	
		Parking Lot Landscaping Provided	

SET BACKS & PARKING REQUIREMENTS

REQUIRED	PROVIDED	CALCULATIONS	N, S, E, W	REQUIRED	PROVIDED
		Front			
		Rear			
		Left Side			
		Right Side			
		Parking			

Community Development Department

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**WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 to 1136**

This Waiver of Claims for Diminution of Value under ARIZ. REV. STAT. §§ 12-1134 - 1136 (this "Waiver") is made between _____ (the "Owner") and Town of Buckeye, Arizona (the "Town") regarding the following property (the "Property"):

[Enter legal description, or "See legal description set forth in Exhibit A attached hereto and incorporated as if fully set forth herein" and then include legal description as Exhibit A to this waiver.]

RECITALS

A. Owner is the current owner of all right, title and interest in the Property, and became the owner of all right, title and interest in the Property on _____. **[If there are other owners, or others with an interest in the property, they need to be listed above, and need to be signatories.]**

B. The Owner has applied for a **[Enter type of approval requested by the applicant – i.e. annexation, rezoning, use permit, variance, general plan amendment – with application numbers, file numbers, etc.]** (the "Application") which effects the existing right to use, divide, sell, or possess the Property. The Application was submitted to the Town on _____.

C. The Owner(s) has obtained advice from legal counsel or has declined to obtain advice from legal counsel on this Waiver and the Owner voluntarily agrees to and submits this Waiver in accordance with ARIZ. REV. STAT. § 12-1134(I), as amended.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the mutual promises and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto state, confirm and agree as follows:

1. Owner agrees and consents to all the conditions and stipulations imposed by the Town on the approval of the Application (the "Approval") and by signing this Waiver waives any and all claims, suits, damages, compensation and causes of action for diminution of value to the Property the Owner of the Property may have now or in the future under the provisions of ARIZ. REV. STAT. §§ 12-1134 through and including 12-1136, as amended, resulting from the Approval and any other "land use law", as such term is defined in ARIZ. REV. STAT. § 12-1136, as amended, that (a) is enacted, adopted or applied by the Town now or hereafter relating to or consistent with the Approval and (b) that directly governs the Property.

2. Owner acknowledges and agrees that the Approval causes an increase in the fair market value of the Property.

3. The Owner warrants and represents that Owner is the owner of all right, title and interest to the Property, and that no other person has an ownership interest in the Property **[if more than one owner this will need to be modified]**. Prior to Owner's transfer, sale, or conveyance of all or any part of its right, title and interest in the Property at any time within thirty (30) days of the Approval, Owner shall notify the Town of said transfer, sale or conveyance, and shall require the new Owner to execute and agree to this Waiver as part of any transfer, sale or conveyance of the Property. The person who signs on behalf of Owner personally warrants and guarantees to the Town **[he/she/they]** have the legal power to bind Owner to this Waiver.

4. Owner agrees and understands that the conditions and stipulations imposed upon the Approval may be modified, amended or supplemented by the Town Council. If the conditions or stipulations upon this Approval are modified, amended, or supplemented by the Town Council, Owner agrees and understands that it will be a condition of the Approval that Owner executes the Acknowledgement and Agreement to Modification, Amendment or Supplement to Conditions or Stipulations of Approval, attached hereto as Exhibit B and incorporated herein by reference (the "Acknowledgment") and, when executed, such Acknowledgement shall amend and become a part of this Waiver.

5. This Waiver, any exhibits attached hereto, and any addenda, constitute the entire understanding and agreement of the Owner and the Town and shall supersede all prior agreements or understandings between the Owner and Town regarding the Property. This Waiver may not be modified or amended except by written agreement by the Owner and Town.

6. This Waiver is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511, as amended.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of _____, 200__.

"Town"

TOWN OF BUCKEYE, an
Arizona municipal corporation

By: _____
Jackie A. Meck, Mayor

**EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
BETWEEN
THE TOWN OF BUCKEYE
AND
[ENTER LEGAL NAME OF ENTITY]**

[Legal Description]

See following page(s).

**EXHIBIT B
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
BETWEEN
THE TOWN OF BUCKEYE
AND
[ENTER LEGAL NAME OF ENTITY]**

[Acknowledgment of Modification, Amendment or Supplement]

See following page.

**ACKNOWLEDGEMENT AND AGREEMENT TO
MODIFICATION, AMENDMENT OR SUPPLEMENT
TO CONDITIONS OR STIPULATIONS OF APPROVAL**

The Town and Owner entered into that certain Waiver of Claims for Diminution of Value, dated _____, 200_ (the "Waiver"). Pursuant to Section 4 of the Waiver, Owner hereby acknowledges and agrees to all the modified, amended or supplemental conditions or stipulations imposed by the Town on the Approval and by signing this Acknowledgement reaffirms and restates all of the terms and conditions of the Waiver and further acknowledges and agrees that the Approval, as conditioned and stipulated, causes an increase in the fair market value of the Property.

All capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Waiver. Except as specifically modified by this Acknowledgement, all other terms of the Waiver shall remain in full force and effect.

"Owner"

[Insert legal name of Owner entity]

By: _____

Name: _____

Title: _____

(ACKNOWLEDGEMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 200_, by **[Name of authorized signatory]**, the **[Title of authorized signatory]** of **[Legal title of Owner entity]**, a[n] **[State of entity formation]** **[Legal status of Owner entity – i.e. corporation, limited liability company, etc.]**, on behalf of **[Legal title of Owner entity]**.

Notary Public in and for the State of Arizona

Commission and Seal: