

## SECTION 6

### DIVISION OF LOTS INTO NOT MORE THAN TWO (2) TRACTS, LOT LINE ADJUSTMENTS, LOT CONSOLIDATIONS; BUILDING PERMIT: PROCEDURE (updated by Ordinance 1230, May 29, 2007)

#### SECTION 6.1 PROCEDURE

The division of lots, lot line adjustments, lot consolidation, and issuing of building permits and procedure for such subdividing and issuance of permits shall be as follows:

The governing body of the City shall have the right to approve the issuance of a building permit on lots which are divided into not more than two (2) tracts without the owner having to replat said lot provided that the following requirements are met and any future lot divisions shall not be allowed without re-platting:

- a. An existing lot may be divided by a lot split into not more than two parts which singularly or combined with an adjoining lot results in two lots which meet the minimum size and area requirements of the zoning district in which the lots are located. The new lots cannot, thereafter, be further subdivided without re-platting regardless of ownership changes.
- b. A written application for a lot split, lot line adjustment, or lot consolidation shall be made to the city clerk. Each application shall be submitted with (10) copies of a plot plan, certified by a licensed land surveyor or engineer, at a scale of one inch (1") equals 30 feet or less, one (1) copy on 11" by 17" sheet of paper, and a digital format approved by the City Planner, and shall contain the following information:
  1. Location of the existing lot within the subdivision (if any) as related to the nearest existing streets and rights of way;
  2. Location of existing easements and utilities;
  3. Dimensions of the divided portions;
  4. Location and width of access-ways, existing and proposed;
  5. Dimensions of all existing structures and their locations with respect to the existing lot lines;
  6. Signature of the owner(s); and
  7. Legal description(s) of the property(ies).

- c. Lot Splits. The division of lots pursuant to this chapter shall comply with the city plan, any major street and road plans, applicable zoning laws, these regulations and all other applicable regulations. No lot split shall be approved if:
  - 1. A new street or alley is needed or proposed;
  - 2. There is less street or road right-of-way than required by this chapter;
  - 3. Any easement requirements have not been satisfied;
  - 4. The lot split will result in a tract without direct access to a street or road;
  - 5. A lot or parcel of substandard size will be created, except where a lot split will result in the substandard-sized portion being recombined with an adjoining standard-sized, platted lot, and where this recombination is duly filed and recorded with the County register of deeds; or,
  - 6. The lot split will result in a substantial increase in service requirements (e.g. utilities, schools, traffic control, street, etc.) and will constitute a significant deviation from the criteria upon which ratification of any original plat was granted.
- d. Lot Line Adjustments. An application for a lot line adjustment may be submitted if the proposed adjustment meets the following criteria:
  - 1. The proposed lot line adjustment between two owners of adjoining properties is solely for the purpose of adjustments in boundaries, or for the purpose of adjusting building lines.
  - 2. Additional lots are not created.
  - 3. No lot remaining after such lot line adjustment is less than the minimum lot sizes, setback, and other lot standards required by all applicable regulations.
  - 4. Lot line adjustment surveys shall contain all graphical submittal data as required in Section 6.1.b
- e. Lot Line Consolidations. An application for a lot consolidation may be submitted if the proposed consolidation meets the following criteria:
  - 1. The proposed consolidation is of lots under a single ownership.
  - 2. Lot line adjustment surveys shall contain all graphical submittal data as Required in Section 6.1.b.
- f. Upon receipt of the application, the City Planner and City Engineer shall review it for compliance with these regulations.

1. If the application and the plot plan comply with all applicable regulation, the application may be approved.
  2. At the discretion of the City Planner and City Engineer, the application may require consideration by the City Planning Commission if the City Planner and City Engineer determine approval of the request may result in a tract size and building site that is out of character with the surrounding area. At the discretion of the City Planner a courtesy letter may be required to be mailed to surrounding property owner(s) indicating the nature of the request and the date and location of the Planning Commission meeting when the Application is scheduled for consideration.
  3. All lot split applications shall require a courtesy letter of notification to be mailed to surrounding property owner(s) indicating the nature of the request, and such letter shall be mailed at least fourteen (14) days prior to consideration by the Planning Commission and/or before approval of said application by the City Planner and City Engineer.
  4. Appeals of the decision of the City Planner and City Engineer may be considered by the City Planning Commission. Appeals of a decision of the City Planning Commission may be considered by the Governing Body.
- g. If approved, the applicant shall file the approved lot split, lot line adjustment, or lot line consolidation with the County Register of Deeds within 30 days of the date of approval. A copy of the filed request shall be returned to the City Clerk.
- h. Building Permit - No building permit shall be issued for any site, which contains a division of a platted lot of record, unless such division has been approved in the manner provided by this chapter.
- i. Any building permit approved and issued under this section shall be issued for one year only. Failure to use the permit within a year's time from issuance shall void the permit, and any further request must be resubmitted to the Governing Body.