



SUBDIVISION EXEMPTION APPLICATION

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A. TYPE OF APPLICATION (City Code Section 16-6-10)

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|---|--|
| <input type="checkbox"/> Amended Plats | <input type="checkbox"/> Condominiumization |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Duplex Conversion Subdivision |
| <input type="checkbox"/> Insubstantial Changes to Recorded Plat | |
| <input type="checkbox"/> Elimination of Lot Lines | |

B. SUBDIVISION EXEMPTION PROCEDURE

1. Pre-Application Conference. Optional.
2. Applicant contact required referrals.
3. Submit Application.
4. Staff Review and Administrative action. Approve, approve with conditions, deny, or remand back to the applicant.
5. Record Plat After Approval. Two mylar subdivision exemption plats and recording fees shall be submitted by the applicant which provide the information as deemed necessary by the Community Development Director required in Section 16-3-50 Development Plan requirements and 16-6-110 Subdivision Plat requirements.

C. APPLICATION CONTENTS

The following submittal requirements do not include all of the information that is required by the Land Use Code. In most cases, however, the following information should be adequate for City staff to fully review the application although additional information may be required.

- 1. General Development Application.
- 2. Subdivision Exemption Application.
- 3. Letters from Required Referral Agencies
- 3. Written Description. A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the review standards relevant to the application, found in Article VI of the Land Use Code.
- 4. Application Fee: According to current adopted fee schedule.
- 5. Fair Contribution to Public School Sites; if required.
- 6. The site plan shall contain the information required in Section 16-3-50 Development Plan requirements and 16-6-110 Subdivision Plat requirements. **Two copies of the site plan shall be submitted. The copies shall only be accepted on 8½"x11", 11"x17", 24"x 36" paper or electronically.** At a minimum the site plan shall include:
 - a. Layout. A layout showing the lots, blocks, streets and alleys adjacent to the subject property and any existing structures within the proposed subdivision.
 - b. Boundary Lines. Boundary lines of proposed subdivision, shown as a heavy solid line, and approximate dimensions of all lots.
 - c. Existing Improvements. The location and dimensions of all existing easements, ditches, and utilities within the proposed subdivision.
 - d. Improvements Plan. The subdivider shall furnish information indicating how utility systems and other improvements will be provided and shall provide approval letters from necessary referral agencies.
 - e. Site Development Tabulation. A tabular summary showing that the plat conforms to all applicable dimensional standards (City Code, Table 16-F) and off-street parking requirements.
- 7. Inclusionary Housing, Article XIII; if required.

D. SUBDIVISION EXEMPTION SUBDIVISION STANDARDS

1. Amended Plats. (16-6-50)

- (a) Amended plats do not create additional lots or interests in property but are subdivision actions that result in a material change in the boundaries of a subdivision by way of adding or deleting land or lots to the subdivision, or the reconfiguration, division or aggregation of existing platted lots. Amended plats are also used to correct errors on a subdivision plat. The amended plat process is limited to applications that affect no more than ten (10) lots within a subdivision. Amendments affecting more than ten (10) lots or amendments within a subdivision with an expired subdivision improvements agreement or which affect existing subdivision improvements agreements shall be considered re-subdivisions. Amended plats shall be generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. Amended plat review ensures the technical accuracy of the amended plat and to maintain the record of associated real estate activities.
- (b) Amended plat approval shall be granted provided:
- (1) The lot line adjustment does not result in the creation of additional lots.
 - (2) The lot line adjustment does not result in the creation of lots that do not comply with zoning requirements.
 - (3) The lot line adjustment does not result in the creation of a lot or lots that cannot be built upon under City requirements.
 - (4) The requirements of utility companies serving the property have been satisfied, and easements are appropriately maintained or granted in the deed(s) effecting the adjustment or dissolution.
 - (5) The lot line dissolution does not change the location of any remaining lot lines in the subdivision

2. Lot Line Adjustment. (16-6-70) The adjustment of a lot line between two (2) contiguous lots that is necessary to correct a survey or engineering error in a recorded plat, to allow a boundary change between adjacent lots or parcels to relieve hardship or practical necessity or to allow a transfer of land from a larger conforming lot to a smaller nonconforming lot so as to make both lots conforming is generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. The lot lines between contiguous lots which are under separate or single ownership may be adjusted if the following conditions are met:

- (1) The owners of affected properties whose lot lines are being adjusted shall provide written consent to the application.
- (2) The adjustment shall not create the opportunity to further subdivide either lot to create a new lot for resale or development.
- (3) All resulting lots shall meet the standards of this Chapter. If any of the lots or structures thereon are nonconforming prior to the adjustment, no adjustment shall be allowed that increases the net nonconformity of the lots or structures.

3. **Insubstantial Change to Recorded Plat (16-6-80)** An insubstantial change may be made to a recorded plat as follows: An insubstantial change shall be limited to changes to address engineering or technical constraints discovered during development which could not be anticipated during the original approval process, or any other change to a plat which has no material effect on the character of the approved plat, the representations made by the applicant or the conditions of approval. Street locations and street rights-of-way shall not be changed. A change to a plat which is not insubstantial, including any resubdivision of a lot other than a boundary line adjustment, shall be considered an amendment and shall follow the review procedures applicable to minor subdivisions. Applications for an insubstantial change to a recorded plat are generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. An insubstantial change to a recorded plat will be approved if following approval of the insubstantial change, the recorded plat shall continue to conform to all applicable standards of this Chapter.

4. **Elimination of Lot Lines (16-6-90)**. The elimination of lot lines to merge not more than two (2) conforming lots, or two (2) or more nonconforming lots, to create no more than two (2) conforming lots within the applicable zone district shall be generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. A lot line elimination meeting the requirements established herein shall be approved if the following conditions are met:
 - (1) Public and private utilities must be present and available to serve the newly created conforming lots. Utilities (whether public or private) to existing structures that, with the elimination of lot lines, will cross a newly created conforming lot shall be provided an easement where the existing utilities are located or shall be relocated into an easement.
 - (2) The lots to be consolidated shall be under single ownership.

5. **Duplex Conversion Subdivision (16-6-60)**. A duplex conversion subdivision is generally subject to the administrative review process established in Article III of this Chapter. The subdivision of a single lot on which an existing duplex dwelling is located or is to be constructed, into two (2) separate lots will be approved if all of the following conditions have been met:
 - (1) Common wall. The duplex is to be divided along a code-compliant fire-resistant common wall into two (2) separate single-family dwelling units on separate lots.
 - (2) Separate utilities. Utilities are available and each of the dwelling units is served by its own separate utility service lines and meters, inclusive of water, sewer, electricity and natural gas.
 - (3) Maintenance agreement. A common wall maintenance agreement shall be established and recorded to run with the land comprising the proposed duplex lots.
 - (4) Zone district compliance. Except for the original primary structure comprising the dwelling units and any common and/or side-by-side or connected garages or driveways, all new structures, or the expansion of any existing structures on the two (2) new duplex lots shall be subject to the setback requirements for the underlying zone district in which the lots are located.
 - (5) Lot size. Each separate lot created shall meet the minimum lot size (square feet) for the underlying zone district in which the lots are located. The proposed duplex lots shall be the same size, or approximately the same.
 - (6) Inclusionary Housing. Duplex conversion subdivisions must meet the requirements of Article XIII, Inclusionary Housing.