

CHAPTER 3 –MINOR LAND DIVISION OF PROPERTY

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Section 10-3-1: Purpose:

The regulations of this Chapter allow for the one-time division of a parcel into four (4) without being subject to the subdivision regulations as set forth this Ordinance.

Section 10-3-2: Applicability:

A. These regulations shall apply to:

1. Parcels created prior to May 1, 2009 that were of record in the Clerk's office and the boundaries of which shall not have changed except for one or more of the following:
 - a. The parcel of record was reduced by governmental action as specified in this Ordinance; or
 - b. The parcel of record was reduced by the conveyance of property to a public utility for the purpose of constructing a public utility or infrastructure facility; or
 - c. The parcel of record received approval for a property boundary adjustment as specified in this Ordinance, and where the parcel of record met both the following standards:
 - (1) The parcel of record had sufficient acreage to accomplish the division prior to completion of the property boundary adjustment; and
 - (2) The property boundary adjustment did not diminish the size of the parcel of record such that it no longer has sufficient acreage to accomplish the division.

- B. Recorded platted lots, those recorded lots contained in a subdivision, shall not be eligible for a division of a lot into four (4) lots. Division of subdivided lots shall be subject to the subdivision regulations as set forth this Ordinance.

Section 10-3-3: Process:

- A. Application: An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.

- B. Required Findings: The Director shall make the following findings in order to approve, or approve with conditions, the minor land division:

- 1. Parcel is a Lot of Record as of May 1, 2009;
- 2. The proposed minor land division complies with section 10-3-4.

- B. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant/owner shall have one (1) year to complete the following tasks:

- 1. Record with the Clerk's office a Record of Survey; and
- 2. Execute and record the necessary deeds to convey the minor land division; and
- 3. Verify taxes have been paid from the Treasurer; and
- 4. Provide copies of the recorded Record of Survey and recorded deeds to the Director.

- C. Final Approval Requirements: Upon determination by the Director that a division is in conformance with the requirements outlined in the tentative approval letter and that all requirements and conditions were satisfied prior to the one (1) year expiration date, then the Director shall issue a letter stating that the minor land division has received final approval.

Section 10-3-4: Standards:

- A. The proposed division shall result in no more than four (4) parcels that comply with the design and dimensional standards of this Ordinance, except when the parcel of record has been diminished by governmental action. As a result of governmental action, the Director may approve a reduced property size on one of the resulting parcels, subject to other regulations of this Ordinance rendering the property as a legal non-conforming property.

- B. The proposed division is not a "subdivision" as defined in this Ordinance.
- C. If public improvements are required all improvements shall be completed prior to the Director issuing final approval.

Section 10-3-5: Required Finding:

- A. Required Findings: In order to grant a division of property, the Director shall make the following findings:
 - 1. The division created no more than four (4) parcels; and
 - 2. The parcel or lot being divided was created prior to May 1, 2009 and was of record in the Clerk's office.
 - 3. The boundaries of the parcel or lot being divided have not changed except as specified in this Ordinance; and
 - 4. That if the property was reduced by governmental action that the property was in compliance with the minimum property size requirement of the applicable zoning district, overlay district and/or Ordinance prior to the decrease in property size; and the decrease in property size was caused by acquisition through prescription, purchase, or other means as defined by this Ordinance; and
 - 5. The subject property requesting a division is not a platted lot within a subdivision.
 - 6. The four (4) resulting parcels shall have the required frontage to an approved road.

