

Source

Tim Teddy

TO: City Council

FROM: City Manager and Staff *AM Beck*

DATE: September 19, 2005

RE: Proposed revisions to the Subdivision Regulations Regarding the Definition of a Lot

EXECUTIVE SUMMARY

The definition of a lot had last been revised in 2003. Recently, after rejecting a proposal to exempt the City from having to plat City-owned property, the Council directed the Commission and staff to review the present definition and find ways to make it easier to redevelop land in the older parts of the City.

The Commission met with staff in a work session to discuss possible changes to the definition of a "lot." As a result of the work session the Commission has suggested some minor changes to the definition of a lot, which consists of several parts. A brief discussion of the proposed changes follows:

Part (1) – No changes are recommended to this part.

Part (2) (a) – Strike the words "or other written." The City Land Surveyor is of the opinion that the only proper description that can be clearly interpreted must be a metes and bounds description. This is very seldom an issue, since almost all legal descriptions on recorded instruments are metes and bounds descriptions.

Part (2) (b) – It is suggested that this part can be opened up to small tracts with any zoning district designation, where a building is in place. This will eliminate the need to plat property when an owner simply wants to make a small addition to a building on a relatively small lot. It is also suggested that the words "or other written" be stricken as in (2) (a), above.

Part (3) – This change would include tracts of R-2 zoned land which could be exempted from the platting process under certain conditions. The last part of (3) can be removed because it is redundant. It is covered in Part (4).

Part (4) – no changes recommended to this part.

Part (5) – This section has been somewhat ambiguous in that it is difficult to tell whether all of the criteria must be met or only parts of it. The City Counselor has determined that all of the criteria must be met in order to meet the definition of a lot. By inserting the word "and" in two places, the intent of the definition is clarified.

The Commission is of the opinion that the proposed changes will help clarify the definition and will make it somewhat easier to develop land without having to go through the platting process.

A draft of the proposed revisions is attached.

SUGGESTED COUNCIL ACTION

If the Council wishes to pursue the above revisions, they should be referred to the Planning and Zoning Commission for a public hearing and recommendation.

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Fiscal Impact

YES

NO

[Handwritten mark]

Other Info.

Proposed Revision to Section 25-3 of the Subdivision Regulations RE; Definition of a “Lot”

(Revised on 8/12/05)

Note: Language in **[bold and in brackets]** is to be deleted

Language in **bold and underlined** is to be added

Lot. A tract or parcel of land which:

- (1) Is set forth as a lot on an approved recorded plat; or
- (2)
 - (a) Is zoned A-1, R-1 or R-2 and was described by a metes and bounds **[or other written]** description accurately describing the location, boundaries and size of the tract on a recorded instrument prior to annexation into the city or prior to October 5, 1964;
 - (b) Is zoned **[R-3] any district and** contains less than one (1) acre of land area **and** is partially or fully developed with an existing principal building(s) at the time of application for a development permit and was described by a metes and bounds **[or other written]** description accurately describing the location, boundaries and size of the tract on a recorded instrument prior to annexation into the City or prior to October 5, 1964; or
- (3) Is zoned A-1, **[or] R-1 or R-2** and was described by a recorded survey prior to annexation **[or is zoned any district and was described by a recorded survey prior to October 5, 1964];** or
- (4) Was platted as a lot in a recorded subdivision plat prior to October 5, 1964, or described by a recorded survey prior to October 5, 1964 ; or
- (5) Is a portion of one or more platted lots in a recorded subdivision plat prior to annexation or prior to October 5, 1964; **and** was described on a recorded instrument prior to annexation or prior to October 5, 1964; **and** is described by a recorded survey; and the director, after having consulted with the director of public works and all applicable utility providers, has certified that no additional easements or right-of-way dedications relating to the property are needed.

When a portion of a tract of land is acquired for highway or other public purposes, such division of ownership shall not affect the remainder of the tract in meeting the definition of a lot so long as the original tract met the definition of a lot under one of the above provisions.

For purposes of this definition, the term “recorded” means recorded in the office of the Boone County Recorder of Deeds.