

## ORDINANCE NO. 296

### **AN ORDINANCE AMENDING GREENLAND MUNICIPAL CODE TITLE 15, CHAPTER 15.12 TO CLARIFY DISTINCTION BETWEEN LOT LINE ADJUSTMENTS AND LOT SPLITS AND THE PROCEDURES FOR EACH.**

WHEREAS, confusion exists concerning the procedures for lot splits as opposed to lot line adjustments and the results of those procedures.

BE IT ORDAINED BY THE CITY COUNCIL OF GREENLAND, ARKANSAS, That,

**Section 1:** Title 15, Chapter 15.12 is hereby amended by adding Section 15.12.09 Lot Line Adjustment as follows:

#### 15.12.09 Lot-line adjustment procedure

To allow the transfer of land ownership without requiring an official plat, the following lot-line adjustment procedure is created.

1. A lot-line adjustment is a conveyance of a portion of a lot/parcel to an adjoining lot/parcel where no new lot/parcel is created to allow for corrections of errors in a survey, building placement, or substandard areas. Lot-line adjustment requests shall include a survey with legal descriptions of each adjoining lot/parcel, including the address and directions to the property, a legal description of the portion of the lot/parcel which is proposed to be transferred, and legal descriptions of the two proposed resultant lots/parcels, and shall include all rights-of-way and easements required for utilities and drainage; these requests must be turned into City Hall (along with payment of all costs/fees) by the 5<sup>th</sup> day of the month prior to the Planning Commission meeting at which the request is to be considered;
2. The applicant for a lot-line adjustment shall pay to the Recorder/Treasurer, a filing fee in the amount determined, from time to time, by the City Council, plus the actual costs of notification as may be incurred in connection with such application.
3. All resulting lots/parcels shall meet the minimum size and square footage requirements for the zoning district in which it is located.
4. The owner shall also be responsible for the cost/expense of installing and connecting to all utilities unless the utility company provides such.

5. Once the lot-line adjustment has met all requirements, the application shall be placed on the agenda for the next Planning Commission meeting. If the application meets with the Planning Commission's approval, it shall be signed by the Chairman of the Planning Commission or the elected official of the Planning Commission. The stamp should indicate the lot-line adjustment number and the date of approval.
6. Once approved, the applicant shall file the approved lot-line adjustment (including the survey) with the circuit clerk along with the transfer document.
7. This lot-line adjustment procedure shall apply to all lands within Greenland, Arkansas, and within Greenland's planning area. (Ord. No. 256, Sec. 2.)

**Section 2:** Title 15, Chapter 15.12 is hereby amended by deleting all language in Section 15.12.08 Lot Split Procedure and replacing such deleted language with the following:

**15.12.08 Lot-split procedure**

To allow the transfer of land ownership without requiring an official plat, the following lot-split procedure is created.

1. A lot-split is the division of one (1) lot/parcel of land into two (2) lots/parcels. Lot-split requests shall include a survey with the legal description of the beginning lot/parcel and the legal description of the proposed resultant lots/parcels including the address and directions to the property. The survey shall show dimensions of the (proposed) lots/parcels created and shall include all rights-of-way and easements required for utilities and drainage; these requests must be turned into City Hall (along with payment of all costs/fees) by the 5<sup>th</sup> day of the month prior to the Planning Commission meeting at which the request is to be considered.
2. The applicant for a lot-split shall pay to the Recorder/Treasurer, a filing fee in the amount determined, from time to time, by the City Council, plus the actual costs of notification as may be incurred in connection with such application.
3. Notice that all requirements to make application and approval of a conditional use are required of the applicant seeking a lot-split. The posting of the sign will indicate "PUBLIC HEARING REGARDING THIS PROPERTY" but all other requirements are the same.

4. All resulting lots/parcels shall meet the minimum size and square footage requirements for the zoning district in which it is located.
5. If a lot-split occurs in the Greenland planning area the size of the resulting lots/parcels shall be determined by the Health Department standards for septic systems with a minimum of ten thousand (10,000) square feet and, in such event, a successful perk test certificate shall be attached to the application.
6. Only one lot-split shall be allowed at the time of the original request and no other applications for a lot split from the original parcel or from any of the newly created lots/parcels shall be allowed for a period of sixty (60) months from the time the prior lot-split request was approved. The owner shall state on the lot-split application the date of any/all prior lot-split requests involving the same parcel.
7. If a lot-split request seeks to produce a lot/parcel not fronting on a public street, the land locked lot/parcel shall be permitted only for a use as one single family dwelling. A lot-split creating a land locked parcel/lot shall have access to a public street by way of an exclusive, owned private drive with a minimum width of twenty (20) feet which is not more than one-hundred (100) feet in length, which drive shall be maintained by the owner in such a manner as to allow access for sanitation trucks and emergency vehicles (including fire trucks) and the private drive shall have (at a minimum) fifty-five (55) feet radius stable base turn around at the residence end for use by sanitation/emergency vehicles. The legal description of the private drive shall be included with the application and the private drive shall become a part of the resultant lot/parcel that does not front on a public street. At the point where such a private drive intersects with a public street the last twenty-five (25) feet of the private drive shall be paved to city street standards and shall be at least twenty-five (25) feet from the nearest public street intersection at its closest point. No building permit shall be issued for the resulting lots/parcels until the requirements for the private drive are met at the cost/expense of the owner or the owner has posted a cash or surety bond sufficient to cover the projected cost/expense of such private drive.
8. The owner shall also be responsible for the cost/expense of installing and connecting to all utilities unless the utility company provides such.
9. Once the lot-split has met all requirements, the application shall be placed on the agenda for the next Planning Commission meeting. If the application meets with the Planning Commission's approval, it shall be signed by the Chairman of the Planning Commission or the elected official of the Planning Commission. The stamp should indicate the lot-split number and the date of approval.

10. Once approved, the applicant shall file the approved lot-split documents (including survey) with the circuit clerk.
11. This lot-split procedure shall apply to all lands within Greenland, Arkansas, and within Greenland's planning area.

**Section 3:** The fees to be paid by the applicant for a lot-split request or for a lot line adjustment are to be paid when the application is turned in at City Hall, shall be set by resolution of the City Council from time to time; in addition to such fees as set by the Council, the applicant shall pay the costs of all required notices to adjoining property owners, the public and others as required at the time the application is turned in at City Hall.

PASSED AND APPROVED this 11<sup>th</sup> day of April, 2011.

  
\_\_\_\_\_  
BILL GROOM, Mayor

ATTEST:

  
\_\_\_\_\_  
DONNA CHEEVERS, Recorder-Treasurer