

ORDINANCE NO. 518

AN ORDINANCE TO ADOPT A PROCEDURE AND GUIDELINES GOVERNING REQUESTS FOR LOT SPLITS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA, that:

Section 1. The Village of Ansley Board of Trustees deems it necessary to adopt a procedure and guidelines to govern requests for lot splits.

Section 2. The procedure and guidelines to govern requests for lot splits shall be incorporated into the Zoning Regulations of the Village of Ansley as an addition to **ARTICLE 17 SUPPLEMENTAL PROVISIONS** as **Section 17-3.1** and shall read as follows:

17-3.1 LOT SPLITS

A. The intent of this section is to outline guidelines to consider requests for lot splits and to provide for the issuance of building permits on lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Planning Commission may recommend approval or disapproval of lot splits in accordance with the following regulations.

B. Application Procedure

- 1.** Requests for lot split approval shall be made by the owner of the land to the Secretary of the Planning Commission by submitting an application along with the following documents:
 - a.** Four (4) copies of a certified survey of the lot(s) and the location of structure(s) shown with dimensions thereon together with the precise nature, location and dimensions of the proposed lot split, along with appropriate building setbacks per Ansley's Zoning Regulations.
 - b.** The application shall be accompanied by a list of the names and addresses of all persons who own property within two hundred feet (200') of the property proposed to be split.
 - c.** Written notices of the proposed lot split shall be given to all such owners by the applicant. Such owners shall have ten (10) days from the date of notification to notify the Planning Commission of any protests they may have concerning the lot split. The ten (10) day waiting period may be waived upon submission in writing of statements from those to be notified that they have no objection to the proposed lot split.

C. Approval Guidelines

A recommendation for approval or disapproval of lot splits shall be made based on the following guidelines:

1. No lot split shall be allowed if:
 - a. A new street or alley right-of-way is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - c. If such action will result in significant increases in service requirements, e.g. utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 - d. There is less street right-of-way than required by these Regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
 - e. All easement requirements have not been satisfied.
 - f. If such split will result in a tract without a direct access to a street.
 - g. A substandard-sized lot or parcel will be created.
 - h. If the lot has been previously split in accordance with these Regulations.
 - i. If lot split will result in a building encroaching upon the setbacks required, based on Ansley's Zoning Regulations.

2. The Planning Commission may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.

3. The Planning Commission shall, in writing, either recommend approval with or without conditions or disapproval of the lot split within thirty (30) days of application to the Governing Body for final action. If approved, and after all conditions have been met, the Chairperson of the Board shall sign and furnish a certificate of approval to be affixed to the lot split survey and a certified copy thereof shall be filed with the Register of Deeds.

D. Fees

1. Cost of recording documents, publications, writs, and engineering costs are payable in addition to filing fees and said costs will be paid by the applicant.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 10th day of April, 2017.

ATTEST:

Sara L. Switzer, Chairperson

Lanette C. Doane, Clerk

(Seal)