

ARTICLE 29-33 LAND SPLITS

Section 29-33-1 Purpose

The purpose of this Article is to establish a review process for land divisions, other than subdivisions, by which owners and prospective purchasers can be advised whether a proposed division of land complies with the Town regulations relating to land splits. This review is intended to:

1. Protect and promote the public health, safety convenience, and welfare;
2. Assure that newly created lots are of sufficient size to meet the requirements of the applicable zoning classification.
3. Assure that all lots resulting from a land split will have adequate access.

Section 29-33-2 Applicability

Any proposed land split as defined by this Article, shall be submitted to the Planning Department for review as provided in Section 29-33-3.

Section 29-33-3 Review Procedures

- A. Application Submittal. Prior to recording any land split, a property owner shall submit to the Planning an application containing the following information.
1. A completed application form.
 2. A drawing or sketch showing the proposed land split. The drawing or sketch should be fully dimensioned and prepared at a scale which maintains legibility. The drawing or sketch shall show the following information.
 - a. The boundaries of the original parcel or lot prior to the land split.
 - b. The proposed lots
 - c. The rights-of-way adjacent to or within the property, including streets and easements.
 - d. The locations and dimensions of any existing structures.

- e. The setbacks of existing buildings from existing and proposed property lines.
 - f. The land area of each proposed lot in square feet or acreage.
 - g. Access to all proposed lots.
 - h. Whether there is any shared use of facilities between properties.
 3. Documentation of the land division history of the parcel. Documentation may consist of Assessor's maps and records, deeds, title history search, or any other information that would credibly show the number of land divisions that have occurred from the original parcel over the last twenty years or from the date of annexation if the annexation occurred within the last twenty years.
 4. If applicable, a copy of any easement agreement or other legal document which permits shared facilities.
- B. Review. The planning director shall review the land split application in accordance with item two (Decisions and Findings), and make a determination on the following.
 1. Whether the proposed land division constitutes a subdivision as defined in Section 29-26-3 requiring compliance with platting requirements of this Article.
 2. If the proposed land split does not constitute a subdivision, whether:
 - a. The lots resulting from the proposed land split conform to the minimum lot size requirements for the zoning classification of the property.
 - b. Access to the proposed lots is in compliance with this Article.
 - c. The location of any existing building on any lot resulting from the proposed land split complies with building setbacks for the applicable zone.
- C. Decisions and Findings. The Planning Director shall notify the applicant, in writing, of the review decision and findings within ten working days after the land split application is filed.
 1. If the Planning Director determines that the proposed

land split constitutes a subdivision, compliance with Article shall be required for the proposed land division.

2. If the Planning Department determines that the proposed land split complies with minimum requirements of this Article, a letter of approval shall be issued to the applicant together with an approved copy of the land split drawing.
3. If the Planning Department determines that the proposed land split does not comply with minimum requirements for this Article, a letter of denial shall be issued.
4. If the Planning Director does not issue a decision within the time required by this Section, the land split shall be deemed not to constitute a subdivision requiring approval of a subdivision plat.
5. Compliance with Town ordinances and regulations not reviewed as part of the land split review process will be determined at the time of application for building permits when more detailed information is provided on the proposed development.

D. Compliance. No building permit or zoning compliance certificate shall be issued for development on any parcel that does not comply with the land split regulations of this Article.