

# Administrative Subdivision

## 9.10 Subdivision of Land; Administrative

- A. Purpose and Intent: An Administrative Subdivision shall provide the Town of Clear Lake with the opportunity to expedite adjustments to property lines when no new lots are created or when mergers of two (1) to five (5) lots are made into fewer buildable lots (e.g. merging two (2) lots into one (1) developable lot for the purpose of constructing across the middle of the lot where the property line used to be).
- B. Project Applicability: An Administrative Subdivision can be used to modify the division of property within the jurisdictional area of the Plan Commission, but only if the proposed modification meets the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards listed below. All other divisions of land or alterations to property lines must be processed as a Minor Subdivision or Major Subdivision.
1. Applicable Districts: An Administrative Subdivision of land shall be permitted in the following zoning districts:  

  2. Applicable Actions:
    - a. Merging Common Ownership Lots: The owner of two (2) to ten (10) lots may merge them together as fewer buildable lots when the resulting lot(s) do(es) not create any new or an escalation in nonconformance; and when there is no change to public services, roads, or utilities.
    - b. Splitting a Lot and Merging its Pieces with Two or More Adjacent Lots: Two (2) or more owners adjacent to a vacant lot may jointly purchase the lot, divide it, and merge all of the pieces with their buildable lot. If the lot is not vacant, the primary structure would have to be demolished and/or primary use dissolved, prior to petition for an Administrative Subdivision.
    - c. Adjusting Lot Lines: The owners of contiguous properties mutually agree to adjust a lot line separating their two (2) properties due to survey errors or when the owners mutually desire an adjustment; as long as the adjustment does not result in any new or an escalation in nonconformance, or does not reduce either's lot area by more than twenty percent (20%).
- C. Prerequisites:
1. Eligible Petitioner: A petition for an Administrative Subdivision shall be initiated by the owner(s) of all applicable lots or the owner's authorized agent. If an authorized agent files a petition, a signed and notarized consent form from the owner(s) shall accompany the petition.
  2. Removing Unnecessary Driveway(s): Under the actions listed in *Section 9.17(B)(2)(a)* and *Section 9.17(B)(2)(b)*, pre-existing driveway(s) established for the dissolved lots shall be vacated and removed, including the apron within the right-of-way.
  3. Restrictions: An Administrative Subdivision that includes one (1) or more of the following shall not be permitted to utilize the Administrative Subdivision process:
    - a. An additional driveway.
    - b. A new or modified easement.
    - c. A platted subdivision that was platted on or after September 1, 2009.
- D. Administrative Subdivision Filing Requirements:
1. Application: A petition for an Administrative Subdivision shall be made on forms provided by the Zoning Administrator with the notarized signature of the petitioner.
  2. Supporting Information: The following supporting information shall accompany a completed petition for an Administrative Subdivision. The Zoning Administrator may waive, in writing, the submittal of clearly unnecessary information relative to the petition.
    - a. Address for each lot involved;
    - b. A metes and bounds legal description of each lot with the merging or adjusting of lot lines included; and
    - c. A deed transferring the property from the owner to himself using the new metes and bounds legal description.
  3. Site Plan: A site plan, drawn to a scale on legal or letter size paper, that includes the following items:
    - a. North arrow and graphic scale.
    - b. Adjacent streets, rights-of-way, public sidewalks, and easements.
    - c. Boundary lines of each lot including all lot dimensions.
    - d. Proposed adjustments with lot dimensions, lot area, and building setback lines on the resulting lots.

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- e. Footprint and dimensions of existing structures with measurements to property lines pre and post adjustments.
  - f. Stamp of registered professional engineer, surveyor, landscape architect, or architect.
  - g. Approval signature block.
  - h. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
4. *Deadline*: Not applicable.
  5. *Submittal Material*: Three (3) hard copies of the petition for an Administrative Subdivision, of all supporting information, and the site plan shall be submitted. If available one (1) digital copy of the supporting information in .pdf (portable document format) and one (1) digital copy of the site plan in .dwg file format shall be submitted.
  6. *Fees*: The applicable fees from the Town of Clear Lake's fee schedule shall be paid at the time the petition for an Administrative Subdivision is filed. A petition without the appropriate petition fees shall not be considered substantially complete. When specific technical expertise is necessary, the Town of Clear Lake may hire a professional consultant to conduct portions of the review at the expense of the petitioner and as per the Town of Clear Lake's fee schedule.
- E. Request For Waivers:
1. *Procedural Prerequisites*: The Plan Commission shall consider a waiver request to grant relief from applicable actions (See *Section 9.17(B)(2)(a): Merging Common Ownership Lots*).
  2. *Waiver Decisions*: Granting a waiver shall be subject to the following findings of fact.
    - i. *Comprehensive Plan*: The proposed waiver is consistent with the content and intent of the *Town of Clear Lake Comprehensive Plan*.
    - ii. *Unified Development Ordinance*: The proposed waiver is consistent with the intent of the *Town of Clear Lake Unified Development Ordinance*.
    - iii. *Contextual Impact*: The proposed waiver will not cause notable loss to nearby property values.
- F. Procedure and Approval:
1. *Review of Material*: A petition for an Administrative Subdivision, which is determined to be complete and in proper form shall be reviewed by the Zoning Administrator. Upon review of the petition, the Zoning Administrator shall either transfer the petition to the Plan Commission for additional review or determine the petition complies with the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards listed in *Section 9.17(B): Project Applicability* and *Section 9.17(C): Prerequisites*. If the petition is found to be in compliance, the Zoning Administrator shall approve the petition by signing each copy.
  2. *Acceptance*: A petition for an Administrative Subdivision which has been approved and signed by the Zoning Administrator shall be reviewed for acceptance by one member of the Plan Commission Executive Committee. That Executive Committee member shall sign each copy of the petition as the Plan Commission's acceptance of the petition or defer acceptance of the petition to the Plan Commission.
  3. *Distribution*: A signed copy of the approved and accepted petition for an Administrative Subdivision shall be retained for Town's records and two (2) copies conveyed to the petitioner: one (1) for personal records and one (1) for recording in the Steuben County Recorder's Office.
  4. *Report to Plan Commission*: After approved, at the first regularly schedule Plan Commission meeting, the approval of any Administrative Subdivisions shall be reported.
  5. *Proof of Recording*: To officially complete the process the petitioner shall record the Administrative Subdivision Application, site plan, and new deed with the Steuben County Recorder's Office and provide proof to the Zoning Administrator.

6. *Failure to Record*: If an approved Administrative Subdivision is not recorded within thirty (30) days from the date of approval and signature, the petition and approval shall be deemed void. The Zoning Administrator shall report any failures to record to the Plan Commission at the first regularly scheduled Plan Commission meeting after discovering default occurred; and shall notify the petitioner, and shall clearly note failure to record in the Town's records.
- G. Improvement Location Permits: An improvement location permit shall not be issued until proof of recording has been provided.