

4.11 Lot Line Adjustment

A. Lot Line Adjustment. ¶ 1-3 Amend: Res 10-2007 (PC Res 3-2007)

1. "Lot Line Adjustments" are hereby authorized as a permitted form of administrative waiver of the requirements set forth elsewhere in these Subdivision and Development Regulations. Lot Line Adjustments may be authorized and made: (a) for the purpose of accommodating a transfer of land between adjacent lots or parcels in order to resolve property line disputes or remedy setback encroachments; (b) to consolidate nonconforming lots to create one or more conforming lots, create better lot design, improve access; or (c) for other similar purposes. Such adjustments may be made through the recording of a Lot Line Adjustment Plat satisfying the requirements of this Chapter 4.11 which is approved and signed by the Zoning Administrator.
2. The decision to authorize a Lot Line Adjustment is discretionary with the Zoning Administrator and will be based upon a review of the physical characteristics of the lots and/or parcels involved, the locations of any existing structures on such lots and/or parcels, the requirements for lot size for the zone district in which the lots and/or parcels are located, and any other applicable provisions of the Development Code.
3. If the Zoning Administrator declines to authorize a proposed Lot Line Adjustment Plat, such decision shall not preclude any property owner or owners from subdividing their property or properties pursuant to other applicable sections of these regulations.

B. Lot Line Adjustment Process. ¶1-4 Amend: Res 10-2007 (PC Res 3-2007)

1. Submit Lot Line Adjustment Application Package:
 - a. Land Use Application Form.
 - b. Application Fee.
 - c. Plat. Two (2) paper copies of a Lot Line Adjustment Plat certified by a registered land surveyor licensed in the State of Colorado, drawn at 1" = 20' or a comparable scale, containing the following information:

- i. Dimensions of lots before and after the Lot Line Adjustment (include all bearings and distances of all lot lines, and square footage of each lot). Identify lots as "Lot A," "Lot B," etc.
 - ii. Adjacent street names, locations, and rights-of-way widths.
 - iii. Show how lots will obtain legal access and be served by water, sanitary sewer, and storm drainage.
 - iv. The location of all existing structures, with their surveyed distances from the existing and proposed new lot lines.
 - v. Building coverage calculations.
 - vi. Existing easements on the lots.
 - vii. Existing and proposed legal descriptions for each lot, described by metes and bounds.
 - viii. Signature and notary blocks for all parties with an ownership interest, as identified in the title certification.
 - ix. Signature block for Zoning Administrator – as specified at Section C.
 - x. Plat size shall be 24" x 36".
 - xi. One reduced-size copy measuring 11" x 17" shall also be provided.
- d. Proof of Ownership. A current (no more than thirty [30] days old) title company certification (such as a title commitment, title policy or ownership and encumbrance report) verifying the current ownership and title of all interested parties. The report shall also contain a description of all lien holders, as well as encumbrances or deed restrictions that limit the use of the property.
2. Staff Reviews Lot Line Adjustment Application, Prepares Comments, and Itemizes Requirements.
- a. Planning staff will review the lot line adjustment application to make sure it is consistent with the City's Subdivision and Development Regulations, zoning code, and the lot line adjustment review criteria, and to determine if the resulting lots meet the minimum requirements for a building site. Following the review, the Zoning Administrator, after consulting with other members of planning staff, will prepare a written report outlining all changes, if any, that must be made before the Lot Line Adjustment Plat will be approved.
 - b. In addition, the Zoning Administrator's report will identify all items required as conditions for approval of the lot line adjustment application, which may include:

- i. On-and off-site infrastructure improvements, such as streets, curbs, gutters and/or sidewalks;
 - ii. Conveyances of rights-of-way and/or easements needed for streets, utilities and/or drainage of groundwater or stormwater;
 - iii. Stormwater and ground water drainage improvements;
 - iv. Water main improvements and appurtenances;
 - v. Cash-in-lieu-of payments and/or impact fees;
 - vi. Future Improvements Agreements;
 - vii. Development Agreements securing the cost of required improvements and containing written guarantees as to such improvements.
3. Applicant Addresses Staff Comments. If necessary, the Applicant shall make all changes to the Lot Line Adjustment application and resubmit a revised copy to the Zoning Administrator.
4. Lot Line Adjustment Approval/Review Criteria. The Zoning Administrator completes final review of the Lot Line Adjustment Plat and submittals to ensure compliance with all applicable regulations. The Zoning Administrator must determine and certify that the Applicant's Lot Line Adjustment Plat and related documents satisfy each of the following requirements:
- a. The adjustment shall not increase the number of lots or parcels.
 - b. The adjustment affects only two adjacent lots or parcels, or multiple lots or parcels owned by no more than two separate owners.
 - c. The adjustment does not affect a recorded easement without the prior approval of the easement holder.
 - d. Requirements set forth in the staff report provided for in subsection B.2 of this Chapter shall be satisfied or otherwise adequately addressed by separate agreement.
 - e. Street locations will not be changed.

- f. The adjustment will not create any nonconformity, or increase the degree of nonconformity of any existing structure or use.
- g. The adjustment complies with all other applicable requirements of this Development Code and all other applicable regulations and requirements.
- h. No more than one (1) Lot Line Adjustment Plat shall be allowed within any one-year time period for the same properties, or any portions thereof.
- i. All affected property owners must agree to the adjustment in writing and sign the Lot Line Adjustment Plat.
- j. After the adjustment, all lots and the improvements thereon must satisfy all applicable provisions of this Development Code and applicable building and fire codes, including but not limited to those concerning lot size and width, setbacks, and fire separation, unless such provisions are waived, modified, or varied under the provisions of this Development Code.
- k. All affected lien holders have ratified and consented to the Lot Line Adjustment in writing.

C. Signature Block. The signature block for the Zoning Administrator on allot Line Adjustment Plats shall contain the following statement: Amend: Res 10-2007 (PC Res 3-2007)

This Lot Line Adjustment Plat is authorized as an administrative subdivision waiver by the City of Cañon City, Colorado, acting through the undersigned authorized Zoning Administrator. Such waiver is granted in accordance with the provisions of Chapter 4.11 of the Subdivision and Development Regulations of the City of Cañon City, adopted by the Cañon City Planning Commission and approved by the Council of Cañon City on the 21st day of May, 2007.

5. Post Approval Actions/Record Lot Line Adjustment.

- a. Three (3) original mylars of the Lot Line Adjustment Plat shall be delivered to the Zoning Administrator. One such mylar shall be recorded by the City Clerk in the Office of the Fremont County Clerk and Recorder. The recording fee shall be paid by the Applicant.

- b. The approval of a Lot Line Adjustment does not constitute a transfer of title. The Zoning Administrator may require separate deeds conveying title to the newly adjusted lots or parcels, or deeds conveying any required additional right-of-way or easement to the City, or ratification and consent to the Lot Line Adjustment required by any mortgagee or other lienholder as shown in the title commitment. All such documents must be prepared by a title insurance company, attorney, or other qualified person, and be submitted for staff review and approval. Such documents shall be recorded concurrently with the Lot Line Adjustment Plat at the Applicant's cost. Copies of the recorded documents will be retained by the Zoning Administrator.