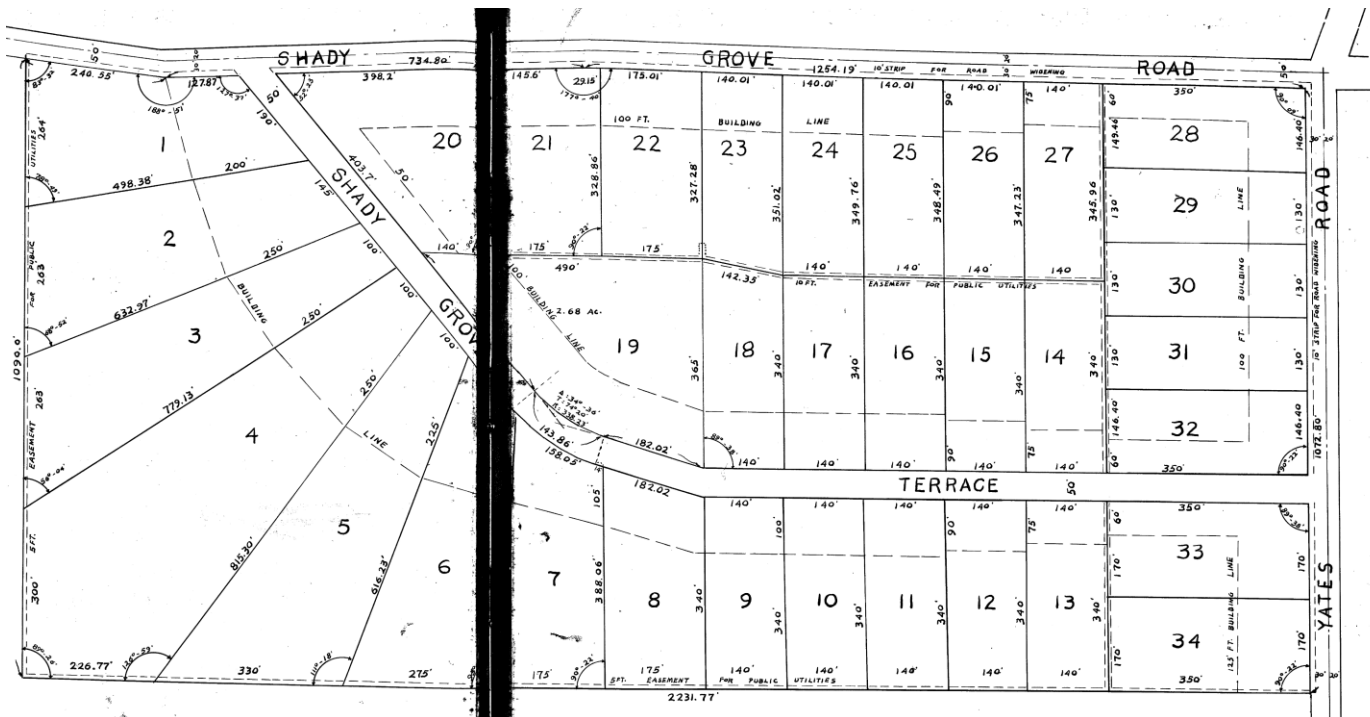




# Subdivisions in a Nutshell

Topics covered in this tutorial:

1. How can I create a lot without filing a subdivision?
2. What can qualify as a minor subdivision?
3. Can I alter lot lines between me and my neighbor?
4. My lot actually contains more than one platted lot; how can I resurrect these old lots?
5. I have an unplatted lot; can I build on it?



Example of a subdivision plat recorded with the [Register of Deeds](#)

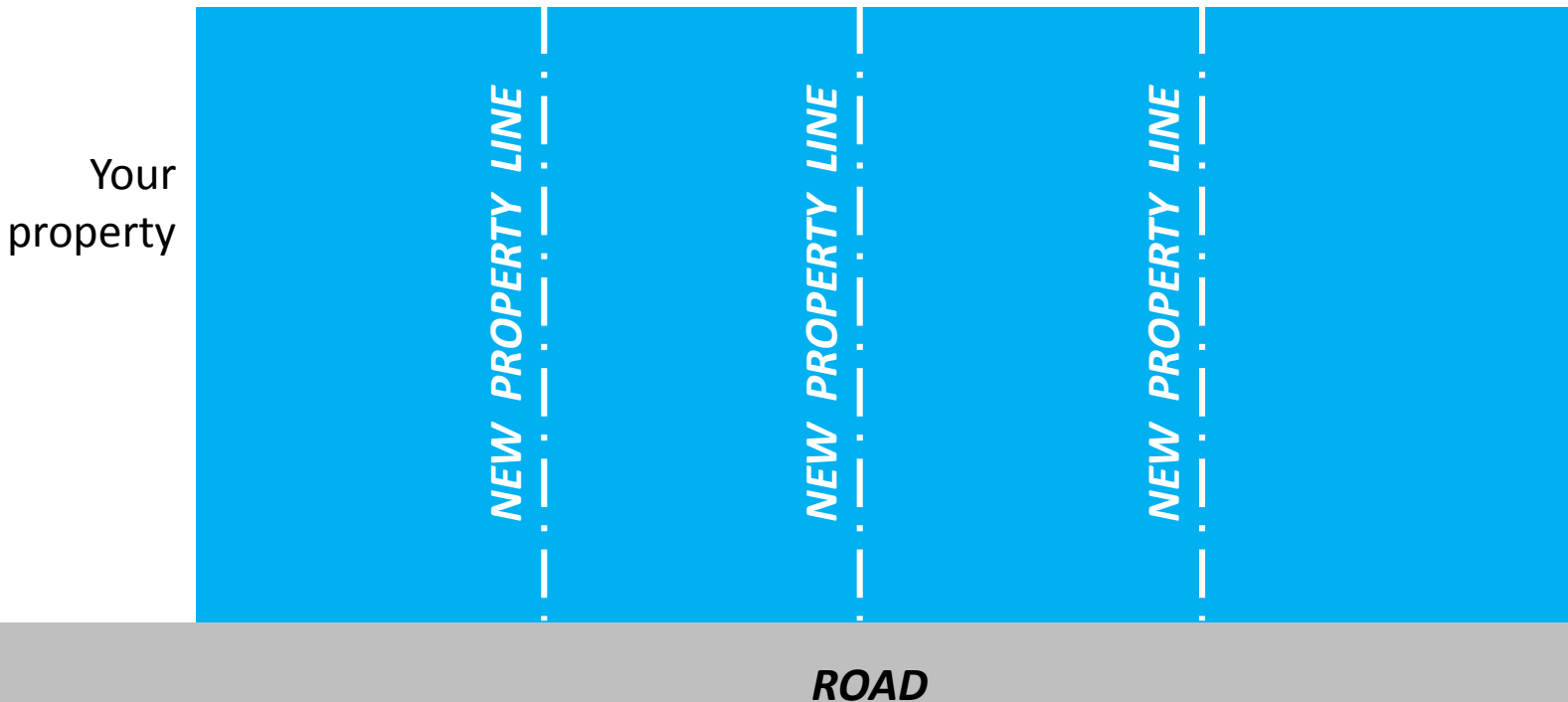
## 1. How can I create a lot without filing a subdivision?

Assume you own 8 or more acres, exclusive of the right-of-way (this means that your 8 acres excludes any portion of the abutting road, street, sidewalks or roadside ditches). You may divide your property into two lots under the UDC's subdivision exemptions, provided both lots are at least 4 acres in size and they meet all of the [other bulk regulations in the respective zoning district](#). This includes the requirement that both new lots will abut a public or platted private road. See UDC Sec. 9.7.3 for all regulations pertaining to subdivision exemptions. If you qualify, you can create these two new lots by deed rather than by plat.



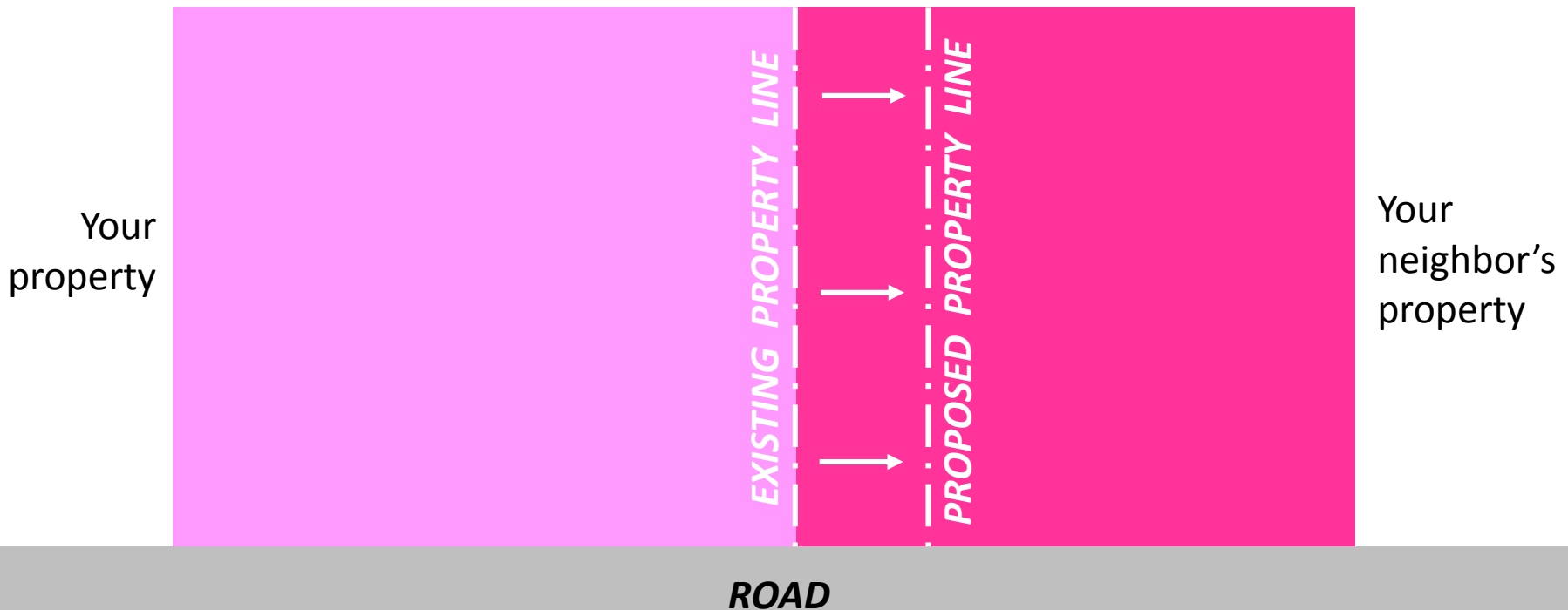
## 2. What can qualify as a minor subdivision?

If you do not fall under any the UDC's subdivision exemptions, you will need to file a subdivision plan with the Office of Planning and Development. The UDC contains two classifications of subdivisions: major and minor. Major subdivisions require a public hearing before the [Land Use Control Board](#); minor subdivisions, on the other hand, may be approved administratively during the monthly Technical Review Committee meeting. To qualify for a minor subdivision, you may create no more than four lots and not re-subdivide an already platted lot (see [Register of Deeds website](#) to determine if your lot is platted). Also, no new street may be proposed within a minor subdivision and all [lot size and width requirements of the zoning district](#) must be followed. See UDC Sec. 9.7.6G for all of the regulations that pertain to minor subdivisions.



### 3. Can I alter lot lines between me and my neighbor?

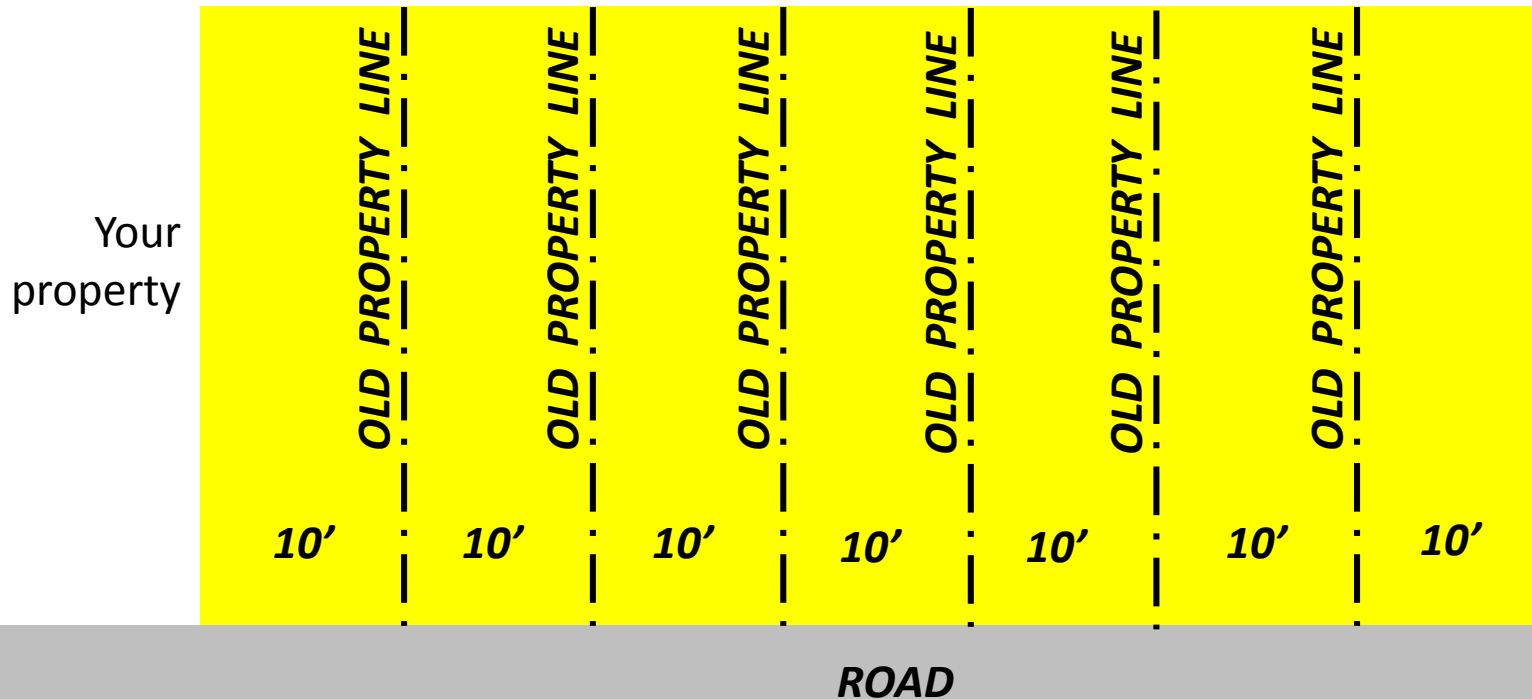
So long as the [lot size and width requirements for the zoning district](#) are being met, lot lines may be altered both within platted lots or lots created by deed. If the lots are platted (that is, found within a plat recorded with the [Register of Deeds](#)), the plat does not necessarily need to be re-recorded, but it is recommended to assist with future title work. If the plat is re-recorded, it shall be signed by both owners. See UDC Sec. 9.7.3E and 9.7.3I for regulations pertaining to lot line alterations.



#### 4. My lot actually contains more than one platted lot; how can I resurrect these old lots?

If your property description reflects that it contains more than one lot, as reflected on a plat recorded with the [Register of Deeds](#), you may resurrect these old lots, provided they are at least 25 feet in width, will be used for single-family homes and have side yards of not less than 3 feet. See UDC Sec. 10.5 for regulations that pertain to what it calls “nonconforming lots of record.” Please also see the note at the bottom of the [bulk regulations chart](#); your property may be subject to the front yard setbacks of the contextual infill standards section of the UDC (Sec. 3.9.2).

In the example below, you will only be able to resurrect some of the old lots since they are narrower than 25 feet. However, since you are able to shift platted lot lines (see previous page), you will be able to shift these lines to create lots with a minimum width of 25 feet.



## 5. I have an unplatted lot; can I build on it?

According to the subdivision exemption criteria of the UDC (see Sec. 9.7.3), lots may be created by deed, rather than by plat, that are at least 4 acres in size (see Question 1 in this tutorial). However, the UDC also exempts lots of *any size* created by deed recorded prior to March 1, 1989 (see UDC Sec. 9.7.3E). You will need to provide evidence of the deed that created your lot prior to this date to the Building Official to obtain a building permit. If the lot has no access to public sewer, it must be at least 2 acres in size (see UDC Sec. 3.6.1B).

If your lot was created by deed *after* March 1, 1989, you will need to file a one-lot subdivision plat to the [Land Use Control Board](#) before obtaining a building permit. You may also be required to file a variance application to the [Board of Adjustment](#) if your unplatted lot does not meet the [minimum size requirements for its zoning district](#). If action by both bodies is required, the Board of Adjustment must act first (see UDC Sec. 9.22.10A). Many one-lot subdivisions qualify as a minor subdivision, meaning they may be approved during the Technical Review Committee and not require a full hearing before the Land Use Control Board (see Question 2 in this tutorial).

