

LEGISLATIVE #

090098B

*City of
Gainesville*

Inter-Office Communication

Planning Division
x5023, FAX x3259, Station 12

Item No. 10

TO: City Plan Board

DATE: April 23, 2009

FROM: Planning Division Staff

SUBJECT: Petition PZ-09-40 TCH: City of Gainesville. Text changes to the land Development code to modify the regulations pertaining to Lot splits and Minor Subdivisions.

Recommendation:

Staff recommends approval of the petition

Explanation:

This petition addresses a referral from the city commission in response to a concern about the ability of the current ordinance to address the needs of the public to divide property through the administrative process.

On October 23, 2008 staff presented to the board a response to the referral and proposed the following options to address the stated concerns:

1. Maintain the status-quo with the existing code requirements.
2. Allow a lot split of a lot split with the following conditions:
 - a. Said lot split may be on a public or private street
 - b. Require public notice and notice in a newspaper
 - c. Require the filing of lot splits with the Alachua County Property Appraiser's office
 - d. Establish minimum lot sizes eligible for this process
3. Allow a Minor Subdivision on a Private Street with the following conditions:
 - a. Redefine a Private Street for the purposes of subdivision
 - b. Require public notice to surrounding property owners for all such petitions
 - c. Require notice in a newspaper of general circulation for all such petitions
 - d. Establish minimum lot sizes eligible for this process

Lot splits:

Currently the ordinance allows a one-time division of a legal parcel into two parcels through an administrative process called a lot split. A parcel which was created through a lot split shall not be further divided through the lot split process. Any additional divisions have to be done through the process of a Minor Subdivision or a Record Plat.

In reviewing the lot split process with staff and considering issues raised by property owners, staff identified some issues that could be addressed to protect adjacent property owner's rights. Those issues include safe access for all residents and emergency vehicles, availability of water, sewer and solid waste services, regulating lot sizes, and proper notice to adjacent property owners. It is staff's intent to allow the subdivision of land which will not be detrimental to public health, welfare, and safety.

With respect to lot splits, the original lot split process will be maintained, adding the ability to transfer property and adjust property boundaries through the lot split process. Staff is proposing that the lot split process be amended to allow a lot split of a lot split to facilitate the transfer of property to an adjacent lot and to adjust the boundaries of adjacent lots, where there are no increases in the number of developable lots.

All lot splits shall be subject to the following in addition to the current code:

1. Lot splits shall be filed with the Alachua County Property Appraiser's Office.
2. Lot splits shall require public notice to surrounding property owners within 100 feet from the parent parcel.
3. The division of a parcel through the lot splits process shall not be allowed if the parcel to be divided exists on an unimproved easement. Lot splits with access via easement shall have a minimum paved access surface of 12 feet wide.
4. A lot which exists prior to 1992 that can be divided to meet the minimum development standards for the zoning district may be processed as a lot split, subject to the Land Development Code, governing lot splits. The lot must be on an approved private street or on an improved public right-of-way.

Minimum Lot Size and the Availability of Water and Sewer

A lot split shall be allowed only where water, sewer, fire, and solid waste services can be provided to the proposed lots. Alternatively, there shall be a minimum lot size of one acre to allow for septic tank services, subject to approval by the Department of Health. At the time of an update, or where there is a request to modify the subdivision, property owners shall be required to connect to city water and sewer if they are available.

Minor Subdivisions:

A Minor Subdivision is the division of a legal parcel into five or fewer lots. Currently, the code requires that all lots or parcels created through a Minor Subdivision must have frontage on a city-maintained public street. Also, a Minor Subdivision is currently approved by staff and does not require notice to the public or affected surrounding property owners. Staff is not proposing any modifications to the process where the parent parcel and resulting lots will have the required minimum frontage on a public street or road.

Where a Minor Subdivision is proposed on an approved private street or on an existing private street, notice shall be provided in a newspaper of general circulation and a mailed notice to property owners within 100 feet of the parent parcel which is the subject of the subdivision. Property owners fronting the private street shall also receive notice. The property shall be posted in accordance with procedures adopted by the city.

Minor Subdivisions on Existing Recorded Easements, Existing Private Streets, and New Private Streets

Staff is proposing that the original Minor Subdivision process be modified to allow Minor Subdivisions on existing recorded right-of-way easements and private streets that qualify as approved private streets. Under this process, an applicant wishing to design a minor subdivision may request that an existing right-of-way easement, existing private street or a new private street be classified as an approved private street in accordance with the standards adopted by the City Public Works Department. In determining whether a private street can be classified as an approved private street, the following criteria shall be satisfied:

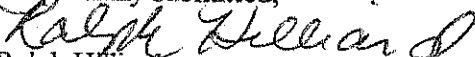
1. An existing private street must be paved to a minimum width of 10 feet wide for one-directional traffic flow and 18 feet wide for two-directional traffic flow. Alternatively, a determination must be made by the City Public Works Department, The Fire Department and Solid Waste Departments that the private street is adequate to support service vehicles and that necessary services can be provided via the existing private street.
2. A new private street must be paved and designed in accordance with the standards outlined in the Public Works Design Manual, on file with the City Public Works Department.
3. In the case of an existing private street, the City Public Works Department shall make a written determination that the structure and sub-base of the private street meets acceptable standards.
4. All private streets must be connected to an improved portion of the general public road network. The method and type of connection shall be approved by the City Public Works Department.
5. The maximum length of any portion of an approved private street shall not exceed 1000 feet before connecting to another portion of the general public road network. When feasible, at the 1000-foot length, the Fire Department may request appropriate emergency connection to the nearest public road network.

6. All private streets shall provide necessary easements to the city for the purposes of providing required services. Where feasible, right-of-way dedication may be required as determined by the City Public Works Department.
7. The applicant requesting classification of a private street to an approved private street must demonstrate complete ownership control of the proposed private street. Alternatively, all owners of the private street or property owners with an easement interest must be included as partners of the request or must grant authorization to submit the request.
8. Lots created on an approved private street shall be designed to minimize the amount of curb cuts onto the street. Shared driveway access shall be the preferred design on approved private streets and shall be required wherever feasible.
9. New private streets shall provide a sidewalk having an average width of five (5) feet wide. The sidewalk shall be provided on one side of the street in accordance with at the minimum design standards adopted by the City Public Works Department. Where the required paved sidewalk is not feasible and physical property is available, a minimum three (3) foot wide stabilized pedestrian trail shall be constructed along one side of the proposed private street.

Minimum Lot Size and the Availability of water and sewer

A Minor Subdivision shall be allowed only where water, sewer, fire and solid waste services can be provided to the proposed lots. Alternatively there shall be a minimum lot size of one acre to allow for septic tank services, subject to approval by the Department of Health. At the time of an update or where there is a request to modify the subdivision, property owners shall be required to connect to city water and sewer if they are available.

Respectfully submitted,



Ralph Hilliard

Planning Manager

Attachments:

Plan Board Minutes October 23, 2008

Proposed Ordinance Modifications

Proposed Ordinance Modifications

Definitions:

Plan Board Minutes
October 23, 2008

B. Staff presentation on the creation of five or fewer lots and the code requirements for lot splits and minor subdivision.

Lawrence Calderon, Current Planning Chief gave the staff presentation and defined the following processes:

- Lot Split – property that is split into two that has to meet the minimum lot size and the existing building has to meet setbacks that is approved by Staff and is filed with the City of Gainesville.
- Minor Subdivision – property that is divided into five or fewer lots on an existing public right of way is approved by staff but is filed with the County's Property Appraiser's office.
- Single Lot Re-plat – a parcel that has an encroachment with an adjoining property that can take some of its property to adjust the setback that entails a modification of a contractual document of which is a subdivision or a plat and is a legislative decision.
- Recorded Plat – depends on how many lots are to be created and the size of the parcels with creation of roads, stormwater facilities, pay a bond and a variety of things.

Mr. Calderon stated that staff is concerned about the potential for creating a chaotic division of property, and thinks that if they allow minor subdivisions on a private street they would be able to address the issue and handle it properly by:

- redefining a private street
- requiring notification when there is a request to divide property
- limiting the number of lots or the number of minor subdivisions
- modifying the lot split process and require filing at the County's Property Appraiser's Office
- looking at the easement and the access ways
- addressing flag lots
- adding fines for deliberately creating illegal lots

Tom Ambrosio, citizen stated that the Fire Department considers his road as an acceptable private road for emergency vehicles; as it is paved all the way to 39th Avenue. Mr. Ambrosio further stated that he simply wants to do a lot split so that he could build a small home for his retirement years on. Mr. Ambrosio read a statement into the record describing the history and steps that has brought him to the Plan Board for a double lot split.

Jon Reiskind inquired how Mr. Ambrosio feels about staff's recommendations to allow a minor subdivision on a private street with public notice. Mr. Ambrosio stated that staff's recommendation is much more complicated and expensive, and would probably not go forward with it, if it was his only option due to the survey fees. Mr. Ambrosio further stated that he had hoped to be able to apply for a variance, but was told by staff that it was not an option.

Bob Ackerman stated that his problem with the staff recommendation is that it is too universal and very unclear as to what the impact would be, yet it seems to be the most limited option. Mr. Ackerman further stated that he is concerned that adjacent neighbors could be surprised one day to see 5 houses across the street where there used to be just one; as not everybody gets the opportunity to split their lots two or three times.

Jack Walls stated that he is against Option 2 and would like to see subdivisions tied down and have streets meet the city requirements. Mr. Walls further stated that the access roads should be dedicated and not be an easement access, otherwise there is no permanency.

Laura Guajardo stated that a lot split to a lot split is limiting and as long as the property meets City ordinance and the setbacks meet the Code, it should be allowable to have a minor subdivision on a private street with public notice; and is more inclined to vote for Option 3.

Randy Wells stated that he would like to see both Option 2 and Option 3, as this issue is relevant to the Affordable Housing issue over the long term.

Jon Reiskind stated that he is more inclined to vote for Option 3 because cost seems to be a factor. Mr. Reiskind further stated that the real question is what is the vision of the community within the city, as we evolve towards infill and completeness.

Chair Cohen stated that he also is leaning towards Option 3 because it gives the city the opportunity to avoid unintended consequences.

Mr. Reiskind inquired if a minor subdivision has to be approved if it meets the minimum lot size. Mr. Calderon stated that yes and it would need administrative approval.

Motion By: Bob Ackerman	Seconded By: Randy Wells
Moved To: Adopt option 2.	Upon Vote: 3 – 3. Tie vote, motion fails. (Yea: L. Guajardo, R. Wells, B. Ackerman Nays: J. Reiskind, J. Walls, B. Cohen)

Motion By: Randy Wells	Seconded By: Laura Guajardo
Moved To: Adopt option 3.	Upon Vote: 4 – 2. (Nays: B. Ackerman, J. Walls)

Chair Cohen stated that he would like staff, when presenting this petition to the City Commission, to discuss the unintended consequences of staff's options that caused him to be conservative in his vote. Mr. Reiskind stated he is really concerned about maintaining the character of neighborhoods

Proposed Ordinance Modifications

Definitions:

Minor subdivision means the subdivision of a tract of land into not more than five lots for which there are no roadway, drainage or other required improvements; where each lot has frontage on a maintained public street; where water and sewer services are available to each lot; and where the resultant lots comply with all the standards of these regulations.

Private street, approved means any privately-owned accessway that has been determined by the city manager or designee to meet the access and construction standards set out in § 30-338 of this code. For the purposes of subdividing property, an approved private street shall comply with Section 30-189 of this code

Improved Ingress/Egress Easement means an area or strip of land or a portion of a parcel specifically dedicated for the ingress and egress of vehicles to access one or more specifically referenced parcels. Such easement shall be continuously paved throughout its length and width, in accordance with standards adopted in the Public Works Manual, having a minimum width of 12 feet.

Sec. 30-189. Minor subdivisions and lot splits.

(a) Minor subdivisions.

A Minor Subdivision may be proposed on an approved private street, subject to the regulations of the Land Development Code. A private street may be classified as an existing approved private street or a new approved private street. An applicant wishing to design a minor subdivision may request that an existing easement, existing Private Street or a new Private Street be classified as an approved private street in accordance with Section 30-338(1) and the standards adopted by the City Public Works Department.

In determining whether a private street can be classified as an approved private street for subdivision purposes, the following criteria shall be satisfied:

1. An existing private street must be paved to a minimum width of 10 feet wide for one-directional traffic flow and 18 feet wide for two-directional traffic flow. Alternatively, a determination must be made by the City Public Works Department, The Fire Department and Solid Waste Departments that the private street is adequate to support service vehicles and that necessary services can be provided via the existing private street

2. A new private street must be paved and designed in accordance with the standards outlined in the Public Works Design Manual, on file with the City's Public Works Department
3. In the case of an existing private street, the City Public Works Department shall make a written determination that the structure and sub-base of the private street meets acceptable standards.
4. All private streets must be connected to an improved portion of the general public road network. The method and type of connection shall be approved by the City Public Works Department.
5. The maximum length of any portion of an approved private street shall not exceed 1000 feet before connecting to another portion of the general public road network. When feasible, at the 1000 foot length, the Fire Department may request appropriate emergency connection to the nearest public road network.
6. All private streets shall provide necessary easements to the city for the purposes of providing required services. Where feasible, right-of-way dedication may be required as determined by the City Public Works Department.
7. The applicant requesting classification of a private street to an approved private street must demonstrate complete ownership control of the proposed private street. Alternatively, all owners of the private street or property owners with an easement interest must be included as partners of the request or must grant authorized to submit the request.

Every minor subdivision shall be processed in the following manner:

- (1) Prior to filing an application for a minor subdivision the applicant must schedule a pre-application conference meeting. After the pre-application conference, an application form provided by the planning and development services department shall be completed and filed with the department accompanied with the following:
 - a. Six paper copies of the proposed minor subdivision;
 - b. A statement indicating whether water and/or sanitary sewer service is available to the property, and a statement indicating that all utility service shall be installed beneath the surface of the ground in accordance with section 30-345, a statement indicating whether stormwater management facilities are available to accommodate stormwater runoff of the proposed development; and
 - c. A survey certified by a professional land surveyor registered in the state as to meeting minimum technical standards set forth pursuant to F.S. § 472.027. The survey shall be drawn on a 24-inch by 36-inch linen or stable base film with a three-inch margin on the left for binding, and a one-half-inch margin on the other three sides. Additional information to be shown on the survey shall include but not be limited to:
 1. The lot lines, dimensions and acreages for each lot being created.
 2. The acreage of the total tract.
 3. A vicinity map showing the location of the survey in relationship to major thoroughfares.
 4. A note stating, "THIS IS NOT A RECORD PLAT."
 5. A municipal approval statement, to be signed by the director of planning and development services director of public works and general manager for

Gainesville Regional Utilities or their designee, certifying that the minor subdivision conforms to all applicable ordinances and regulations of the city.

6. A statement to be signed by the clerk of the court, stating, "Received and filed as an unrecorded map in accordance with Section 177.132, Florida Statutes."
7. The minor subdivision book and page where the survey is to be filed.
8. Proposed residential minor subdivisions must meet the level of service standards in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary concurrency or certificate of conditional concurrency reservation.
9. Where a Minor Subdivision is proposed on an approved private street or on an existing private street, notice shall be provided in a newspaper of general circulation and to property owners within 100 feet of the parent parcel which is the subject of the subdivision. All property owners fronting the specific private street shall also receive notice. The property shall be posted in accordance with procedures adopted by the city.

(2) The minor subdivision shall also conform to the following standards:

- a. A land description of each lot being created shall accompany or be shown, whenever possible, on the survey.
- b. If any lot or parcel contains principal or accessory structures, the structures shall be shown either on the minor subdivision or on a survey attached to the minor subdivision. All existing principal and accessory structures must conform to the setback requirement of this Code.
- c. All lots or parcels shall have frontage on a city-maintained public street, have water and sewer services available, and be in conformity with the requirements as set forth in this chapter.
- d. If the proposed minor subdivision abuts a street right-of-way which does not conform to the provisions of subsection 30-187(c), the owner(s) may be required to dedicate to the city one-half of the right-of-way width necessary to meet minimum design requirements for street rights-of-way, as specified in subsection 30-187(c). If the proposed minor subdivision abuts both sides of a substandard street, one-half of the right-of-way width necessary to meet those minimum design requirements may be required from each side. The dedication of this right-of-way or any easements necessary shall be accomplished by a separate document. The subdivider shall provide the city with land descriptions of all easements or rights-of-way to be dedicated, and the city shall prepare and record the necessary documents as part of the approval process.
- e. Lots created on an approved private street shall be designed to minimize the amount of curb cuts onto the street. Shared driveways access shall be the preferred design on approved private streets and shall be required wherever feasible.
- f. New private streets shall provide a sidewalk having an average width of five (5) feet wide. The sidewalk shall be provided on one side of the street in accordance with at the minimum design standards adopted by the Public Works Department. Where the required paved sidewalk is not feasible and physical property is available, a minimum 3 foot wide stabilized pedestrian trail shall be constructed along one side of the proposed private street.

g. A Minor Subdivision shall be allowed only where water, sewer, fire and solid waste services can be provided to the proposed lots. Alternatively there shall be a minimum lot size of one acre to allow for septic tank services, subject to approval by the Department of Health. At the time of an update or where there is a request to modify the subdivision, property owners shall be required to connect to city water and sewer if they are available

(3) The planning and development services department shall then transmit a copy of the proposed minor subdivision to the several departments of the city for review and comment. The planning and development services department shall process only those subdivisions which do not require any street, sidewalk, bikeway, bridge, drainage facility, screening wall or any other improvement required under this chapter.

(4) If the proposed minor subdivision meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the technical review committee shall approve the minor subdivision by affixing their signatures to the original document. In the case of a residential minor subdivision, the subdivider must show that all the concurrency management requirements of this chapter have been met. Proof of meeting these requirements shall exist in the form of a certificate of concurrency exemption, certificate of final concurrency or certificate of conditional concurrency reservation. The approval of nonresidential subdivisions in no way reserves capacity for the purposes of concurrency.

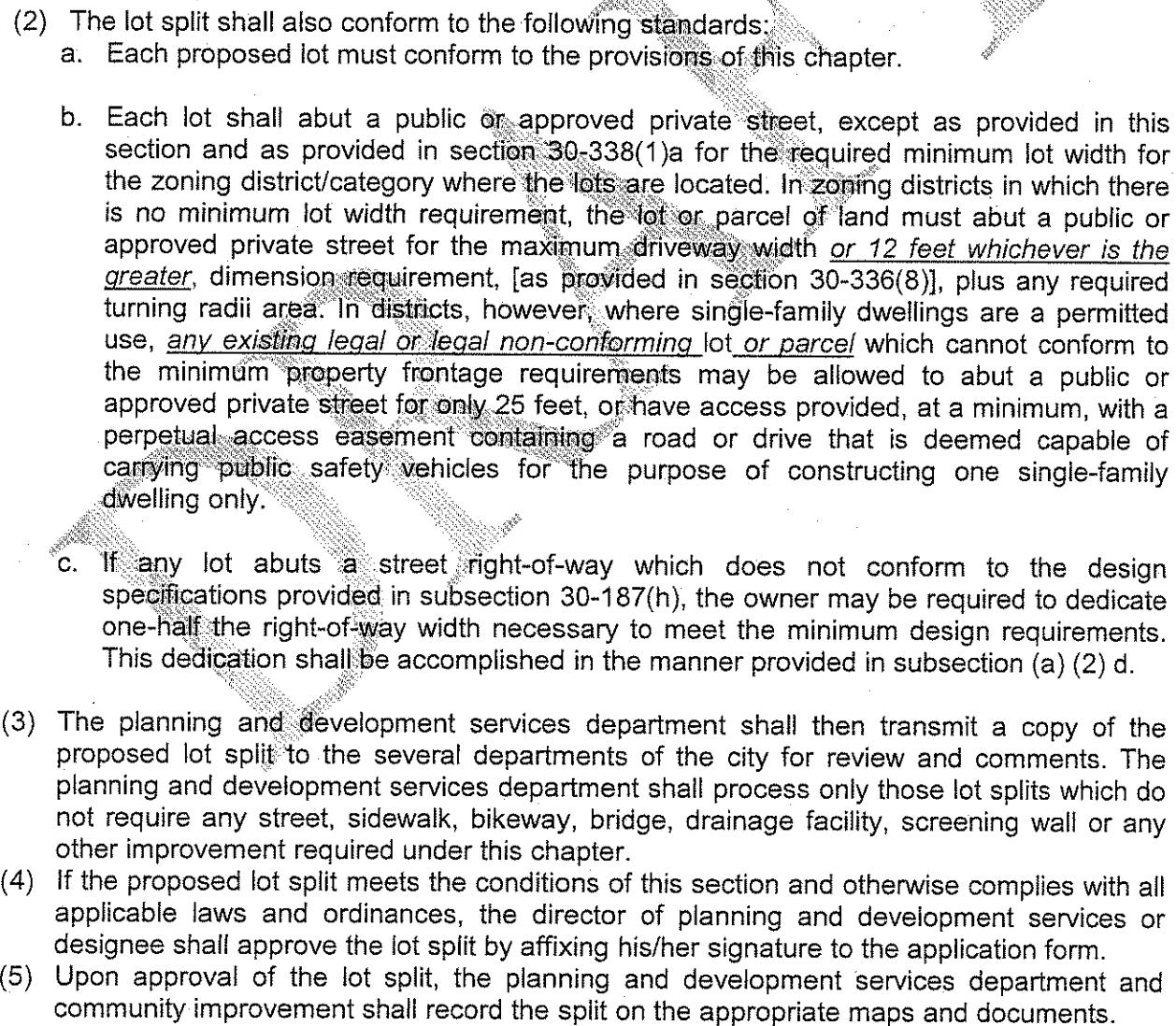
(5) Upon approval of the minor subdivision, the original linen or stable base film drawing of the survey and any covenants, deed restrictions or other required documents shall be filed with the clerk of the circuit court as an unrecorded map, in accordance with F.S. § 177.132. It shall be filed by the subdivider with all fees paid by the subdivider. Upon filing of the approved minor subdivision, a copy of any required documents, two linen copies, and four paper copies of the filed minor subdivisions shall be submitted to the planning and development services department for its records.

(b) **Lot splits.** Every lot split shall be processed in the following manner:

(1) Prior to filing an application for a lot split the applicant must schedule a pre-application conference with staff. Lot splits shall require mailed notice to surrounding property owners in accordance with Section 30-351(d), within 100 feet from the parent parcel. Where a lot split is created on an Approved Private Street, the same notice shall be provided to all property owners fronting the Approved Private Street. After the pre-application conference, an application form provided by the planning and development services department shall be completed and filed with the department, accompanied with the following:

- Six paper copies of the proposed lot split;
- A statement indicating whether water and/or sanitary sewer service is available to the property, and a statement indicating that all utility service shall be installed beneath the surface of the ground in accordance with section 30-345; and

- c. Land descriptions and acreage of the two proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the state. If a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application. A survey is not required for vacant lots. If the drawing is not a survey it shall be clearly indicated and labeled, "This is not a survey."
- d. Lot splits shall be filed with the Alachua County Property Appraiser's Office.



- (2) The lot split shall also conform to the following standards:
 - a. Each proposed lot must conform to the provisions of this chapter.
 - b. Each lot shall abut a public or approved private street, except as provided in this section and as provided in section 30-338(1)a for the required minimum lot width for the zoning district/category where the lots are located. In zoning districts in which there is no minimum lot width requirement, the lot or parcel of land must abut a public or approved private street for the maximum driveway width or 12 feet whichever is the greater, dimension requirement, [as provided in section 30-336(8)], plus any required turning radii area. In districts, however, where single-family dwellings are a permitted use, any existing legal or legal non-conforming lot or parcel which cannot conform to the minimum property frontage requirements may be allowed to abut a public or approved private street for only 25 feet, or have access provided, at a minimum, with a perpetual access easement containing a road or drive that is deemed capable of carrying public safety vehicles for the purpose of constructing one single-family dwelling only.
 - c. If any lot abuts a street right-of-way which does not conform to the design specifications provided in subsection 30-187(h), the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements. This dedication shall be accomplished in the manner provided in subsection (a) (2) d.
- (3) The planning and development services department shall then transmit a copy of the proposed lot split to the several departments of the city for review and comments. The planning and development services department shall process only those lot splits which do not require any street, sidewalk, bikeway, bridge, drainage facility, screening wall or any other improvement required under this chapter.
- (4) If the proposed lot split meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the director of planning and development services or designee shall approve the lot split by affixing his/her signature to the application form.
- (5) Upon approval of the lot split, the planning and development services department and community improvement shall record the split on the appropriate maps and documents.

(6) Restrictions:

Except as provided in Section 30-189

- a. Lot splits are not permitted in minor subdivisions approved in accordance with the provisions of this chapter.
- b. No further division of an approved lot split is permitted under this section, unless a minor subdivision or record plat is prepared and submitted in accordance with this chapter.
- c. The division of a parcel through the Lot split process shall not be allowed if the parcel to be divided exists on an unimproved easement. Lot splits with access via easement shall have a minimum paved access surface of 12 feet wide
- d. A Lot Split shall be allowed only where water, sewer, fire and solid waste services can be provided to the proposed lots. Alternatively there shall be a minimum lot size of one acre to allow for septic tank services, subject to approval by the Department of Health. At the time of an update or where there is a request to modify the subdivision, the property owners shall be required to connect to city water and sewer if they are available

(7) Special Provision

- a. Parcels which exists prior to 1992 that can be divided to meet the minimum development standards for the zoning district may be processed as a lot split, subject to the Land Development Code, governing lot splits. The lot must be on an approved private street or on an improved public right-of-way

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4020, § 2, 9-26-94; Ord. No. 991381, §§ 4, 5, 9-25-00; Ord. No. 050256, § 1, 4-23-07)

Sec. 30-338. General lot and building requirements.

The following lot and building requirements shall apply in all zoning districts:

(1) *Frontage on right-of-way*

- a. *Minimum property frontage.* In all districts except Planned Development District (PD), no building or structure, except as hereinafter provided, shall be erected on a an existing lot or parcel of land which does not physically abut a public or approved private street for the required minimum lot width of the district where the same is located. The city manager or designee may designate a private street as an "approved private street" provided it meets one of the following standards:
 1. A perpetual ingress/egress easement recorded in the public records of Alachua County that provides legal access to the lot or parcel of land from a dedicated road or right-of-way and which is deemed capable of carrying public safety vehicles; or
 2. Property owned jointly or in common by all property owners fronting the private street as shown in the public records of Alachua County that connects to a dedicated road or right-of-way and which is deemed capable of carrying public safety vehicles.

For the purposes of this section, three~~two~~ classes of approved private streets shall be designated by the city manager or designee:

1. Existing private streets which were constructed prior to September 26, 1994; and
2. New private streets which are approved for construction after September 26, 1994.
3. Private streets, classified as approved private streets for the purposes of subdivision in accordance with Section 30-189 (a).

The city manager or designee shall have the authority to approve or disapprove, for the purposes of erection of buildings or structures, private streets which existed prior to September 26, 1994. All private streets approved for construction after September 26, 1994 must meet the construction standards for public streets as shown in the Public Works Design Manual, except in the PD district. In PD districts, the geometric construction standards may be varied as set forth in the planned development ordinance. For the purposes of subdivision review and creating new lots, the classification of a private street as an approved private street shall be determined in accordance with Section 30-189(a). Minor subdivisions and lot splits.

In zoning districts in which there is no minimum lot width requirement, the lot or parcel of land must abut a public or approved private street for the maximum driveway width dimension requirement [as provided in section 30-336(8)] plus any required turning radii area.

Notwithstanding any provision of this section to the contrary, a single-family dwelling, if it is an allowable use in the district, may be erected on a lot or parcel of land which abuts at least one public or approved private street for at least 25 feet, provided that the minimum lot width for the district in which it is located is met at the required front yard setback line. Provided, further, that any single-family dwelling existing on a lot which does not conform to the provisions of this subsection (1) a of this section may be modified, enlarged or extended, and/or an accessory building or structure may be added to a single-family dwelling, provided that such modification, enlargement, extension or addition complies with all the other requirements of the district in which the lot is located.

- b. Special exception for single-family dwelling. The board of adjustment may authorize by special exception the issuance of a building permit for a single-family dwelling on a lot that does not meet the minimum property frontage requirements of subsection (1) a. of this section, provided all of the following conditions are met:
 1. The owner of the subject lot does not own adjoining land which, when added to the subject lot or dedicated as a public street, would satisfy the minimum requirements of subsection (1) a. of this section;
 2. A single-family dwelling is a permitted use in the district in which the lot is located;
 3. The dimensional requirements of the district are met;
 4. Adequate physical access for all motor vehicles (including emergency vehicles) is provided either by an ingress/egress easement or private street; and

5. The board of adjustment finds that such a building will not create any condition detrimental to the safety, convenience and quiet possession of surrounding properties and uses.

In granting the special exception, the board of adjustment may request the property owner to dedicate property for future street right-of-way purposes as may be recommended by the traffic engineering department.

(2) *Minimum setbacks from centerlines of all streets.*

- a. Every required minimum front yard setback line shall be established by a line parallel to the centerline of the street right-of-way at the distance listed in this subsection, measured from the street right-of-way line or the distance from the street centerline listed in subsection (2) b. of this section. For the purpose of determining street classifications, the official roadway map shall be used.
- b. If the actual street right-of-way line is closer to the street centerline than the following distances, the setback shall be measured from a line parallel to the street centerline located the following distances from the centerline:
 1. Highways and arterials: 50 feet.
 2. Thoroughfares and collectors: 40 feet.
 3. Minor collectors: 35 feet.
 4. All other streets: 25 feet.