

Chapter 38
Article 4 of the Moberly City Code

Section 38-92

Intent. The intent of a lot split application is to provide for the subdivision of lots without having to replat or resubdivide such lots, provided the lot split does not result in the creation of more than one new lot and no public improvements are required.

Section 38-93 Lot Split Application Procedure and Requirements

- A. Application Procedure. Requests for lot split approval shall be made by the owner of the land to the community development department. Accompanying the application shall either be:(1)A scale drawing of the lots involved if there are no structures thereon; or(2)If structures are located on any part of the lot being split, a certified survey, signed and sealed by a registered land surveyor, of the lots and the location of the structures thereon together with the precise nature, location and dimensions of the proposed lot split. Copies shall be submitted in accordance with the city procedures manual.
- B. Approval Guidelines. Approval or disapproval of lot splits shall be made based upon the following standards:

No lot split shall be approved if:

1. A new street or alley is needed or proposed.
 2. A vacation of streets, alleys, setbacks lines, access control, or easements is required or proposed.
 3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 4. There is less street right-of-way than required by the Subdivision Regulations or the City Comprehensive Plan, unless the required dedication of additional right-of-way is waived by the City Council.
 5. All easement requirements have not been satisfied.
 6. Such split or subdivision will result in a tract or lot without direct access to a street.
 7. A substandard-sized lot or parcel will be created.
 8. The lot has been previously split in accordance with these regulations.
- C. Action. The community development director shall, in writing, either approve, with or without conditions, or disapprove the lot split within 30 days of the application being submitted. If approved, and after all conditions have been met, a certificate of approval

shall be signed and furnished to the applicant. Such certificate of approval shall be affixed to the lot split survey. The applicant shall file a certified copy of the lot split and certificate of approval with the county recorder of deeds, and the official designated to issue building or occupancy permits.

D. Appeal. If disapproved by the Community Development Director, applicants may appeal the decision to the Planning Commission.

E. Filing Fee and Costs.

(1) A filing fee and deposit shall be charged and collected from the applicant in an amount as established by the city council by ordinance or resolution. A separate filing fee and deposit shall be required for each lot split application. The application shall not be accepted for filing until the filing fee and deposit have been paid by the applicant.

(2) The deposit shall be used to cover the costs of recording documents, publications, writs, planning consultant fees, and engineering costs. Any costs associated with the application which exceed the amount of the deposit shall be paid by the applicant. Any unused portion of the deposit shall be returned to the applicant once all matters regarding the application have been finalized.

Provide notice of a minor subdivision application shall be provided to any utility provider in which the property is located. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules.

**CITY OF MOBERLY, MISSOURI
LOT SPLIT APPLICATION**

Return Form To:

Zoning Administrator,
City of Moberly
101 West Reed Street
Moberly, MO 65270-1551
(660) 263-4420
(660) 269-8191 (fax)

For Office Use Only

Date Filled: _____

Filing Fee: _____

Deposit: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____

Address: _____ Zip: _____

Owner: _____ Phone: _____

Address: _____ Zip: _____

LOT SPLIT INFORMATION:

1. General Location of Property _____

2. Legal Description _____

3. Existing Zoning _____

4. Gross Acreage _____

5. Existing Street Right-of-Way Width: _____

6. Lot Frontage:

Tract A: _____ Tract B: _____

7. Lot Area:

Tract A: _____ Tract B: _____

8. Is there a public water supply available to serve the proposed lots?

Yes _____ No _____

9. Is there a public sanitary sewer available to serve the proposed lots?

Yes _____ No _____

The owner herein agrees to comply with the City of Moberly, Missouri Subdivision Regulations and all other pertinent ordinances or resolutions of the City as are determined to be applicable, and the Statutes of the State of Missouri. It is agreed that all costs of recording the lot split and supplemental documents thereto with the Recorder of Deeds shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for the lot split.

Owner's Signature

Agent (if any)

**CITY OF MOBERLY, MISSOURI
LOT SPLIT CHECKLIST**

Return Form To:
Zoning Administrator
City of Moberly
101 West Reed Street
Moberly, MO 65270-1551
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(660) 269-8191 (fax)

For Office Use Only

Date Filled: _____
Filing Fee: _____
Deposit: _____

INSTRUCTIONS:

The following is to be completed by the applicant or his engineer and shall accompany the lot-split application when it is submitted to the Zoning Administrator.

Yes

No

- A. Have the two (2) required hard copies and one (1) digital copy of the survey or drawing been submitted? ___ ___

- B. Has the filing fee and deposit been submitted?
 ___ ___

- C. A lot split shall not be approved if the answer is yes to any of the following questions:

	Yes	No
Is a new street or alley required or proposed?		
Is a vacation of streets, alleys, setback lines, access control or easements required or proposed?		
Will the lot split result in significant increases in service requirements or interfere with maintaining existing service levels?		
Is there less street right-of-way than required by these regulations or the Comprehensive Plan and such dedication cannot be made by separate instrument?		

	Yes	No
Are easement requirements unsatisfied?		
Will such subdivision result in a tract without direct access to a street?		
Will a substandard-sized lot or parcel be created?		
Has the lot been previously subdivided under these lot split regulations?		

OFFICE USE ONLY:

Zoning Administrator: _____ Date: _____

City Clerk: _____ Date: _____

Date filed with Recorder of Deeds: _____