

ORDINANCE NO. 282

AN ORDINANCE AMENDING ORDINANCE 168, THE ARLINGTON SUBDIVISION ORDINANCE TO ALLOW FOR BOUNDARY LINE ADJUSTMENTS BY ADDING SECTION 7.25.

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 168, THE SUBDIVISION ORDINANCE, SHALL BE AMENDED BY ADDING SECTION 7.25 AS FOLLOWS:

SECTION 7.25: BOUNDARY LINE ADJUSTMENTS

- A. **Applicability/Purpose.** This section is established to provide for administrative approval for changes in property lines through the attachment of land to a contiguous lot, tract, or platted or non-platted parcel. A boundary line adjustment is intended to modify or correct the location of a boundary line, to remedy adverse topographical features, to remedy encroachments of structures, to enable the sale of a portion of a lot to an adjoining property, and/or to remedy errors in perceived boundary lines subsequent to an official land survey. A Boundary Line Adjustment may be allowed provided any residual parcel or any existing structure does not become non-compliant or become further non-compliant with the provisions of the Zoning Ordinance.
- B. **Application.** Any person having a legal or equitable interest in a property may file an application for a Boundary Line Adjustment. An application for Boundary Line Adjustment shall be filed with the Zoning Administrator on an approved form and shall be accompanied by an assessment search, proof of ownership of the subject property, submittal of the required fee(s) and a certificate of survey, prepared and signed by a Minnesota registered land surveyor, illustrating the following:
1. Existing site improvements and existing boundaries with lot dimension and area.
 2. Any encroachments and easements of record.
 3. Existing legal description(s) of property.
 4. Identification of the boundary to be moved and the location of the proposed boundary line.
 5. The dimensions, setbacks, existing site improvements, and square footage for all lots resulting from the proposed Boundary Line Adjustment.
- C. **Review of Boundary Line Adjustment.** The Zoning Administrator shall review all applications for Boundary Line Adjustments to determine compliance with the standards identified in this section and all other pertinent requirements of this Title and the Zoning Ordinance as may be amended. Upon written approval of the request, the developer shall be responsible for filing the certificate of survey with the County Recorder's office. Should

the request be denied, the Zoning Administrator shall notify the developer, in writing, of the findings of fact for such denial.

D. Findings Required for Approval. In order for the Zoning Administrator to grant approval for a proposed Boundary Line Adjustment, each of the following provisions shall be met:

1. All necessary right-of-way, utility, and drainage easements are provided as requested.
2. The Boundary Line Adjustment shall not create any additional lot, tract, parcel, or division of land.
3. All lots resulting from the Boundary Line Adjustment shall conform to lot area and width requirements of the City of Arlington Zoning Ordinance including all requirements established for the zoning district in which the property is located.
4. The Boundary Line Adjustment shall not result the "Expansion, Enlargement, or Intensification" of an existing legal non-conforming lot or structure as defined in Section 14 of the Zoning Ordinance as may be amended and relating to non-conformance. In the event of the Boundary Line Adjustment is requested to remedy an existing non-conforming lot or structural element and the proposed Boundary Line Adjustment brings the existing non-conforming lot or structural element nearer to conformity it shall be considered meeting this requirement. In no case shall a Boundary Line Adjustment further expand, enlarge, or intensify an existing non-conforming lot or structural element.
5. The Boundary Line Adjustment shall not result or have the effect of replatting, amending, altering, or vacating a plat.
6. The proposed Boundary Line Adjustment is in compliance with the Comprehensive Plan.

II. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City of Arlington on the 3rd day of September, 2013.

Attest:

James Kreft, Mayor

Liza M. Donabauer, City Administrator

First Reading: August 19, 2013
Second Reading: September 3, 2013
Adopted: September 3, 2013
Published: September 12, 2013