

ZONING INTERPRETATION RECORD

Subject of Interpretation:

ESLO Lot Tie/ Lot Spit Special Exception

Zoning Ordinance Section Number:

6.1204

Title of Section:

Special exceptions from the ESL regulations

Cause for Interpretation:

In mountainous terrain, there is a desire to remove the City from the legal risk of a possible taking of property rights when the re-configuration (lot tie/lot split) of up to three existing lots is desired to achieve a better environmental solution to building in the steeper Hillside landform terrain. The most common situation is when up to three 'legally constituted' lots (in existence prior to February 19, 1991) can currently meet the test of Section 6.1024 which enables at least one home per lot if ESLO regulations would prohibit all development on the property. There are situations where the current configuration of these lots does not result in the best environmental solution for access, cuts and fills, etc., and the only remedy is a lot tie/lot split which could eliminate one or more dwellings than the property is entitled to under section 6.1024 before the lot tie/lot split is performed. For these situations that do not involve creating more parcels than can be demonstrated to be 'legally constituted' by ESLO prior to February 19, 1991, the hillside development intensity calculations of section 6.1050 will not be applied in the lot tie/lot split process.

Interpretation:

Nonbuildable parcel. If the application of the ESL regulations to a parcel, which was a legally constituted lot on which development would have been permitted prior to the adoption date of ESLO (February 19, 1991), would prevent the development of at least one (1) single-family dwelling, the parcel may be developed with one (1) single-family dwelling pursuant to the grant of a special exception, provided that such development otherwise conforms to the ESL regulations as closely as reasonably possible.
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ESLO Parcel Tie/Parcel Spit Special Exception

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This exception shall also have the effect of vesting the number of units that are entitled to land where a lot tie/lot split is needed to reconfigure the development into a more environmentally compatible manner so long as the total number of lots is not increased over what is presently permitted by the lots as they exist(ed) on February 19, 1991.


Interpretation By

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2/26/02
Date

26 Feb '02


Approved By

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