

## **PROPOSED CHANGE TO SUBDIVISION CODE – AMENDING SUBDIVISION PLATS**

The purpose of the proposed change is to allow a clear process for amending subdivisions. At present, Madison County has no process in place to amend platted subdivisions. There are occasions where amendments are appropriate and necessary. Such amendments may include: moving boundaries between lots, moving rights of way or easements, combining lots, moving building envelopes (if established on the plat), reconfiguring lots, or creating new lots if allowed by underlying zoning density. With no established process, there is no clear method when such changes are deemed necessary. The following change added to Chapter 115 would establish procedures for amending subdivision plats if it is determined necessary. Action by the Board of County Commissioners on subdivision plat amendments is wholly discretionary, and shall be based on information provided by the applicant, staff, and the public.

### **Proposed Chapter 115 – Article IX – PLAT AMENDMENTS**

#### **Section 115-199 Application Procedure**

Any property owner in a subdivision desiring to change an existing subdivision plat, public right of way or easement, shall complete and file an application with the administrator and also file such other applications as are otherwise required by law. Such changes include but are not limited to: moving property lines of adjacent lots, combining lots, moving easements, moving rights of way, creating additional lots, or any other changes to the approved and recorded final or most recent plat of subdivision.

#### **Section 115-200 Administrator Action**

Upon receipt of the completed application and other information as he may require, the administrator shall affix the date of the application acceptance thereon. The administrator shall determine if the application is Amendment with increase in lots, Amendment with decrease in lots, or Amendment with minor changes based on the criteria outlined in Section 115-201. Once the application is classified, the administrator shall, thereafter, affix the date of the application on the agenda for the consideration at the next open agenda of a regular meeting of either the Planning and Zoning Commission or the Board of County Commissioners.

#### **Section 115-201 – Classification of Application and Commission/Board Action**

##### **Section 115-201 (a) Amendment with Increase in Lots**

Any application for amendment that increases the number of lots in a subdivision is considered an “Amendment with increase in lots.” Applications that increases the number of lots will be reviewed by the administrator who shall prepare a staff report and recommendation that reviews the compliance of the application with applicable zoning descriptions and other subdivision requirements. The application will then be scheduled for review by the Commission in a public hearing at the next open agenda of regular meeting of the commission. All landowners within the subdivision shall be notified of the amendment and the public hearing when the application will be considered. Action by the Board of County Commissioners on subdivision plat amendments is wholly discretionary, and shall be based on information provided by the applicant, staff, and the public.

1. *Commission recommendations.* The commission shall review the request and all agency responses and make a recommendation to the board for either approval, conditional approval or denial. If the total number of subdivision lots, combined with the additional lots to be created is 8 (eight) or less, then the Planning Administrator will make a recommendation on the application and it will not be considered by the Planning and Zoning Commission.

2. *Board action.*

- a) When considering an application for plat amendment with increase in lots, the board shall establish a date for a public hearing and give such public notice as required by law. The board may approve, deny, modify the application, or table the request for further study or information.
- b) If approved, an amended plat will be reviewed and approved as a regular subdivision plat, and recorded with the County Recorder.

**Section 115-201 (b) Amendment with Decrease in Lots**

Any application for amendment that decreases the number of lots in a subdivision is considered an “Amendment with decrease in lots.” Applications that decrease the number of lots will be reviewed by the administrator who shall prepare a staff report and recommendation that reviews the compliance of the application with applicable zoning descriptions and other subdivision requirements. (There is no review of Amendment with Decreases in Lots by the Planning and Zoning Commission.) The application will then be scheduled for review by the Board in a public hearing at the next open agenda of regular meeting of the Board. All landowners within the subdivision shall be notified of the amendment and the public hearing when the application will be considered. Action by the Board of County Commissioners on subdivision plat amendments is wholly discretionary, and shall be based on information provided by the applicant, staff, and the public.

1. *Board action.*

- a) When considering an application for plat amendment with decrease in lots, the board shall establish a date for a public hearing and give such public notice as required by law. The board may approve, deny, modify the application, or table the request for further study or information.
- b) If approved, an amended plat will be reviewed and approved as a regular subdivision plat, and recorded with the County Recorder.

**Section 115-201 (c) Amendment with Minor Changes**

Any application for amendment that makes minor changes not changing the number of lots in a subdivision is considered an “Amendment with Minor Changes.” Changes may include but are not limited to other changes to the final plat of a subdivision such as moving property boundaries of adjacent lots, moving rights of way, moving easements, or other reconfiguration of lots that does not increase or decrease the overall number of lots, etc... Applications for amendments with Minor Changes will be reviewed by the administrator who shall prepare a staff report and recommendation that reviews the compliance of the application with applicable zoning descriptions and other subdivision requirements. (There is no review of Amendment with Minor Changes by the Planning and Zoning Commission.) The application will then be scheduled for review by the Board in a public hearing at the next open agenda of regular meeting of the Board. All landowners within the subdivision shall be notified of the amendment and the public hearing when the application will be considered. Action by the Board of County Commissioners on subdivision plat amendments is wholly discretionary, and shall be based on information provided by the applicant, staff, and the public.

1. *Board action.*

- a) When considering an application for plat amendment with minor changes, the board shall establish a date for a public hearing and give such public notice as required by law. The

board may approve, deny, modify the application, or table the request for further study or information.

- b) If approved, an amended plat will be reviewed and approved as a regular subdivision plat, and recorded with the County Recorder.