UDC Amendment #19
Administrative Approval of Resubdivision

(Treece Request)

Section 29-1.11(a) – Definitions – General.

Subdivision, Administrative. Any resubdivision of previously subdivided nonresidential land, and any resubdivision of previously divided residential land that meets the criteria for an Administrative Plat~~does not create any additional buildable lots~~.

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Section 29-5.2(d) – Resubdivision or Replat.

(1) Applicability.

(i) A change to an approved or recorded final plat shall require resubdivision if the change affects any street layout, any area reserved for public use, any area designated as a common lot, any condition imposed by Council, ~~or~~ create any additional residential lots, combine more than two (2) lots, or any combination of lots which would result in excess of 120 feet of street frontage will require review and approval of a resubdivision of the property in accordance with subsections (2~~ii~~) or (3~~iii~~) and (4~~iv~~), below. Only that portion of the plat being changed must be resubdivided. If approved, the applicant shall be required to prepare a revised final plat and the City Clerk shall record the revised final plat before the revisions shall be in effect.

(ii) A change to an approved or recorded plat that does not affect any street layout, any area reserved for public use, any area designated as a common lot, any condition imposed by Council, ~~or~~ create any additional residential lots, combine more than two (2) lots, or any combination of lots which would result in excess of 120 feet of street frontage may be approved by the Director as an Administrative Plat if it complies with this Chapter and other City ordinances and regulations.

(2) Procedure for a Major Subdivision.

(i) If the Director determines the proposed resubdivision is in substantial conformance with a valid approved preliminary plat, the subdivider shall apply for and secure approval of a revised final plat from Council.

(ii) If the Director determines that proposed resubdivision is a substantial change from the approved preliminary plat, the subdivider shall apply for and secure approval of a revised preliminary plat from the Commission, and then approval of a final plat from Council, to complete the resubdivision. At the subdivider's option, the preliminary and final plat documents may be submitted at the same time and may be reviewed and considered for approval by Council at the same time.

(3) Procedure for a Minor Subdivision.

The subdivider shall apply for and secure approval of a revised final plat from Council, to complete the resubdivision.

(4) Criteria for Approval.

A resubdivision of land shall only be approved by the Council if the Council determines that:

(i) The resubdivision would not eliminate restrictions on the existing plat upon which neighboring property owners or the City have relied, or, if restrictions are eliminated, the removal of such restrictions is in the best interest of the public;

(ii) Adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided to meet the needs of the resubdivision, or, there will be no adverse ~~affect~~effect on such infrastructure facilities caused by the resubdivision; and

(iii) The replat would not be detrimental to other property in the neighborhood, or, if alleged to be detrimental, the public benefit outweighs the alleged detriment to the property in the neighborhood.

29-5.2(e) - Administrative Plat.

(1) Applicability.

The subdivider may file an administrative plat with the Director, if the plat meets the following criteria:

(i) The plat does not create, vacate, or change the location and/or size of streets;

(ii) The plat does not create any additional residential lot or mixed use lots that will contain residential uses;

(iii) The plat does not combine more than two (2) lots;

(iv) The plat does not result in excess of 120 feet of street frontage;

~~(ii)~~(v) - The plat does not alter any area reserved for public use or any area designated as a common lot; ~~and~~or

~~(iii)~~(vi) The plat does not eliminate any condition imposed by Council.

(2) Procedure.

(i) The Director may approve the administrative plat if the Director determines that the revised lots and application materials, including but not limited to any utility construction documents, easements, and performance guarantees, have been approved and comply with this Chapter and all other City ordinances and regulations.

(ii) On approval of the administrative plat, the Director shall sign the plat and cause it to be recorded with the recorder of deeds.

No occupancy permit shall be issued for property included in the administrative plat unless and until the requirements of this Section 29-5.2(e) are met and all required utility work is completed.