

Mayor and Council Communication

DATE: 11/12/19

M&C FILE NUMBER: M&C 19-0293

LOG NAME: 065030 SUBDIVISION ORDINANCE TEXT AMENDMENT

SUBJECT

Adopt Ordinance Amending Chapter 31 Subdivision Ordinance to Implement Plat and Plan Processing Changes Related to House Bill 3167 and House Bill 3314 (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended by the City Plan Commission that the City Council adopt the attached ordinance amending Chapter 31 Subdivision Ordinance to implement plat and plan processing changes related to House Bill 3167 and House Bill 3314.

DISCUSSION:

On September 1, 2019, House Bills 3167 and 3314 went into effect, and this Subdivision Ordinance text amendment addresses changes related to these bills. House Bill 3314 allows certain replats to be approved without a public hearing, where a variance or exception is not required. Once the replat is approved, the City will send written notice by mail to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted.

House Bill 3167 requires that the City Plan Commission (CPC) approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed. Prior to the passage of the bill only plats required approval of the CPC. If the CPC does not act on the application within 30 days of filing, plats and plans are approved, even if they do not comply with Subdivision Ordinance and referenced design standards. After conditional approval or disapproval of a plan or plat by the CPC, the applicant may submit a written response and the City determines whether to approve or disapprove the plan or plat no later than the 15th day after the date the response was received. The bill defines a plan as a subdivision development plan, subdivision construction plan, site plan, land development application, and site development plan. Thus, with the addition of construction plans the number of cases going to CPC will increase.

In order to accommodate the larger number of cases going to CPC, the commission will meet twice per month starting in October. Application filing dates are scheduled for plats and construction plans to meet the 30 day and 15 day requirements by the Executive Secretary of the CPC. At the September 25, 2019 CPC meeting, the commission passed a resolution to approve all plats and construction plans that comply with the Subdivision Ordinance and referenced design standards. Thus, only cases with conditions or waivers, or those recommended for denial will be on the agenda.

The Subdivision Ordinance amendments include:

- 1) Three additional CPC alternates, bringing the total number to five;
- 2) changes in the process in accordance with House Bill 3314 and 3167;
- 3) provisions for presubmittal and postsubmittal conferences;
- 4) establishment of filing dates per the executive secretary;
- 5) clarification on public notices for certain applications;
- 6) specific requirements for applications at time of filing; and,
- 7) construction plan application, review, approval, conditional approval, changes or alterations to approved construction plans, and expiration.

The revisions were discussed at the CPC work sessions on August 28, 2019 and September 25, 2019. The revisions were also discussed with the Development Advisory Committee on September 19, 2018. The CPC voted to recommend approval of this amendment to the Subdivision Ordinance on September 25, 2019.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that this change will have no material effect on City funds.

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