

**COUNCIL ACTION FORM**

**SUBJECT: SUBDIVISION ORDINANCE TEXT AMENDMENTS RELATED TO AMENDMENTS TO PLATS**

**BACKGROUND:**

This is one of two items that were originally placed on the Council's November 10, 2009 agenda, but which were pulled at the request of staff to allow additional input from the development community. This item pertains to code amendments that would define procedures for amending plats. The other pulled item pertained to fire truck turnaround requirements. Staff has since sent both proposals to the development community for comments. The only concerns expressed pertained to the fire truck turn-around issue. To address those concerns, staff will be scheduling a follow-up meeting with the development community to facilitate further discussion. However, there were no concerns expressed over the plat amendment provisions, so they are again presented for Council consideration and action.

There are currently no provisions in the code that describe plat amendment procedures, or that provide any other means for amending a plat than the same procedures for approving an entirely new plat. That may be appropriate for major changes, but can be burdensome and expensive to the developer when the amendment is minor in nature. The proposed amendments include new definitions describing both major and minor amendments (not to be confused with major and minor plats) and lay out procedures for these amendments.

The minor amendment definition includes a list of criteria describing the minor amendment. For example, a minor amendment would not result in any more than one additional lot, would not change the category of an originally approved subdivision from a minor subdivision to a major subdivision, and would not change the general layout of streets, alleys or access easements. In essence, at a casual glance, one would not notice the difference between the originally approved plat, and the proposed amended plat. Conversely, major amendments are defined as those that eliminate access easements or rights of way identified on the preliminary or final plat, eliminate or revise plat conditions or restrictions, or do not otherwise comply with the definition of a minor amendments. In effect, the changes would be significant and obvious.

The proposed amendment process would allow a minor amendment to an approved preliminary plat to be made at the time of final plat approval. This avoids the process of having to first go back and amend the preliminary plat. Minor amendments to a final plat (a plat already recorded) may be processed as a minor plat so that, again, it is not necessary to amend the preliminary plat. Major amendments, on the other hand would be processed as an amendment to the original preliminary plat and would require all

information required for a preliminary plat application, except that it provides some exemptions for information pertaining to ownership, i.e., it only requires information on owners of property directly affected by the amendment.

The text of these proposed amendments is attached in ordinance form.

**Recommendation of the Planning & Zoning Commission.** At its meeting of October 21, 2009, with a vote of 6-0, the Planning and Zoning Commission recommended approval of the proposed amendments. There was no public comment on this item at that meeting.

**ALTERNATIVES:**

1. The City Council can approve the subdivision ordinance text amendment pertaining to amendments to plats.
2. The City Council can approve the subdivision ordinance text amendments as proposed with modifications.
3. The City Council can deny the proposed subdivision ordinance text amendments.
4. The City Council can refer this issue to staff for further information.

**MANAGER'S RECOMMENDED ACTION:**

The proposed amendments would simplify and speed up the amendment process for developers, and would provide needed clarity on the procedures for amending plats.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the proposed subdivision ordinance text amendment pertaining to amendments to plats.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 23.306, THEREOF, FOR THE PURPOSE OF PROVIDING FOR MAJOR AND MINOR PLAT AMENDMENTS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 23.306 as follows:

**“Section 23.306. Amendments.**

(1) Any changes to the design, layout, configuration, circulation pattern, access, or dimensions of a preliminary or final plat shall be considered as either a major or minor amendment to the plat, as follows:

(a) Minor Amendment. Minor amendments are those that:

- i. Do not result in any more than one additional lot, net;
- ii. Do not result in any fewer lots than allowed by minimum density standards applicable to the subdivision;
- iii. Do not change the category of the originally approved subdivision from a minor subdivision to a major subdivision
- iv. Do not change the dimensions of any lots that do not otherwise comply with adopted lot dimensional standards, or which otherwise results in a non-conforming lot;
- v. Do not change the general layout of utilities, drainage patterns, storm water facilities, streets, alleys and/or easements;
- vi. Are not inconsistent with an approved master plan associated with the subdivision; and
- vii. Make only minor adjustments in the alignment or dimensions of streets, lots, alleys, and/or easements as otherwise allowed by adopted standards as opposed to deletions, additions or relocations of said streets, lots, alleys, and/or access easements.

(b) Major Amendments. Major amendments are those that:

- i. Eliminate any access easements or rights-of-way identified on the preliminary or final plat;
- ii. Eliminate or revise any plat conditions, restrictions or covenants on or associated with the plat, and
- iii. Are not otherwise defined as a minor amendment under the provisions of this Section.

(2) Amendment Process. Amendments shall be processed as follows:

(a) Minor amendments to a preliminary plat may be made at the time of final plat approval. Minor amendments to a final plat may be processed as a minor subdivision, under the provisions of Section 23.303.

(b) Major amendments shall be processed as an amendment to the original preliminary plat. An application for a major amendment shall include all information required for a preliminary plat application, except that information pertaining to ownership, and information pertaining to existing physical features or structures, shall be required only for those areas of the plat affected by the amendment. (Note: Plat conditions/restrictions, easements, and other rights or forms of ownership defined by geographic area may have claim by property owners beyond the defined area. All persons or entities whose ownership or other legal rights are affected by the proposed amendment shall be a party to the amendment application).”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Diane R. Voss, City Clerk  
O01034

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Ann H. Campbell, Mayor