



## Legislation Text

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**File #:** 19-237, **Version:** 1

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager  
Dawn-Marie Buckland, Deputy Town Manager  
Jeremy Knapp, Community Development Director  
George Burton, Planner

**DATE:** June 13, 2019

**DEPARTMENT:** Community Development

### **AGENDA TITLE:**

**Chapter 6 Town Code Amendment - Administrative Land Modification (MI-19-01)**

### **SUMMARY STATEMENT:**

Proposed amendments to Chapter 6 of the Town Code to establish and provide clarification on which type of lot splits, lot line adjustments, and easement modifications may be processed administratively by staff and which land modifications require Town Council approval.

### **BACKGROUND:**

#### History and Scope of Amendments

The Town Code is unclear regarding which land modifications can be processed administratively. As a result, staff initiated this code update to establish and provide clarification on which type of lot splits, lot line adjustments, and easement modifications may be processed administratively by staff and which land modifications require Town Council approval.

Most of the language in Ordinance 2019-05 codifies and clarifies the Town's current land modification practices and processes. The code amendments do not change the Town's development standards. Rather, the amendments will allow code compliant easement modifications on residential properties to be processed administratively by staff and will identify that all land modifications on Special Use Permit properties are subject to Town Council review and approval.

The proposed amendments are broken down into four topics: definitions, administrative land modifications on residential properties, land modifications on Special Use Permit (SUP) properties, and updates to the Town's Master Fee Schedule. The scope of each topic is summarized below.

#### Definitions

Seven new definitions will be added to the code and one definition will be modified. The existing process of Lot Line Adjustments, Exempt Lot Splits, and Replats were defined to codify these practices. The definition of Lot Split was also updated to reflect the Town's current practice and to

bring the definition in alignment with State Statute.

Four new definitions were also added to the code to address Administrative Land Modification, Administrative Plat, Easement Modification, and Non-Administrative Land Modification. Please reference pages 3 - 5 on the clean copy of the draft ordinance regarding this amendment.

#### Administrative Land Modifications on Residential Properties

Lot Line Adjustments and Exempt Lot Splits are applications that are processed administratively by staff; but are not identified in the Town Code. The proposed amendment codifies and clarifies these current practices and processes. Also, under the current code, modifications to an easement can only be approved by the Town Council since they are permanent interests in land. However, if the modifications are compliant with the Town's requirements, staff believes such requests are administrative in nature and should be processed by staff.

A new section, Section 6-10 Administrative Land Modification, was added to the Town Code to outline which residential land modification applications may be processed by staff. These administrative processes include Easement Modifications, Lot Line Adjustments, and Exempt Lot Splits. However, complete abandonments of easements and any requests that deviate from the Town's development standards and codes will still require Town Council review and approval. Please reference pages 7 - 9 on the clean copy of the draft ordinance regarding this amendment.

#### Land Modifications on Special Use Permit (SUP) Properties

Per Council's direction from the May 9<sup>th</sup> work study session, language was added to the code to clarify that all land modifications on SUP properties are subject to Town Council review and action. Section 6-9-7 of the Town Code was updated to identify that lot splits on SUP properties shall follow the final plat/map process in accordance with the Town Code and the Special Use Permit. Please reference pages 5 - 7 on the clean copy of the draft ordinance regarding this amendment.

#### Master Fee Schedule

Section 2.2 of the Town's Master Fee Schedule was updated to clarify the application fee associated with an Administrative Land Modification and Non-Administrative Land Modifications. There are no new fees. Since Lot Splits, Exempt Lot Split, and Lot Line Adjustments are forms of land modifications, they are being retitled as Non-Administrative Land Modifications and Administrative Land Modifications.

Also, the fee schedule did not clearly identify which application fee applied to final plats. Therefore, language was added to Section 2.2.1.2 to clarify this fee. Please reference Resolution 2019-03 regarding these updates.

#### Notification

On March 8, 2019, staff notified the Building Community via the Town's Contact Me/E-Notify list that the Town is working on code amendments to establish and provide clarification on which type of lot splits, lot line adjustments, and easement modifications may be processed administratively by staff and which modifications require Council approval. Staff did not receive any comments or inquiries regarding the proposed amendments. Also, a second notification was sent to the Building Community on June 6, 2019. Staff will update the Council and identify if any feedback is received from the second notice at the June 13<sup>th</sup> public meeting.

### Town Manager/Town Attorney Approval Form

Per Council's direction from the May 9<sup>th</sup> work study session, staff drafted a Town Manager/Town Attorney Administrative Land Modification Approval form. This form confirms that a land modification was reviewed and approved by staff for completeness and compliance with the applicable Town Codes. The Town Manager and Town Attorney will sign this form prior to recordation of the Mylar.

### Town Council Review

The Council reviewed the proposed amendments at the May 9<sup>th</sup> work study session. During the work study review, the Council requested:

- That staff modify some of the draft language for clarity,
- Directed staff to update the code to identify that all land modifications on Special Use Permit properties are subject to Town Council review and action, and
- Create a Town Manager/Town Attorney approval form confirming that an Administrative Land Modification has been reviewed and approved by staff for completeness and compliance with the applicable Town Codes.

Draft Ordinance 2019-05 was updated to incorporate Council's edits and direction. A Town Manager/Town Attorney Administrative Land Modification Approval Form was also drafted for Council review.

### Action

Ordinance 2019-05 and Resolution 2019-03 are scheduled for Town Council action during the business portion of the June 13<sup>th</sup> Council meeting.

### **ATTACHMENT(S):**

Ordinance 2019-05 Clean

Ordinance 2019-05 Track Change

Resolution 2019-03

Town Manager/Town Administrative Land Modification Approval Form

Administrative Land Modification Comparison Chart

March 8<sup>th</sup> Notice to Builders on Chapter 6 Amendments

June 6<sup>th</sup> Notice to Builders on Chapter 6 Amendments

PowerPoint Presentation