

## Section 38-22. Amending Plat

### Sec. 38-22.1. Purpose

The purpose of an [Amending Plat](#) shall be to provide an expeditious means of making minor revisions to a recorded [Plat](#). The [Amending Plat](#) allows these minor revisions without the need of filing a [Plat Correction Certificate](#). Furthermore, the [Amending Plat](#) goes beyond the scope of a [Plat Correction Certificate](#) and provides a means to relocate any lot line or to combine lots. An [Amending Plat](#) does not allow for the creation of new lots and is designed only to modify existing recorded [Plats](#).

### Sec. 38-22.2. Applicability

The procedures for an [Amending Plat](#) shall apply only if the sole purpose of the [Amending Plat](#) is to achieve one or more of the following purposes.

#### **(A) Amending Plat Purposes**

- (1) Error Correction and Administrative
  - a. Correct an error in a course or distance shown on the preceding [Plat](#).
  - b. Add a course or distance that was omitted on the preceding [Plat](#).
  - c. Correct an error in a real property description shown on the preceding [Plat](#);
  - d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
  - e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding [Plat](#).
  - f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving [Plats](#), including lot numbers, acreage, street names, and identification of adjacent recorded [Plats](#).
  - g. Correct an error in courses and distances of lot lines between two adjacent lots if:
    1. Both lot owners join in the Application for amending the Plat;
    2. Neither lot is abolished;
    3. The amendment does not attempt to remove recorded covenants or restrictions; and
    4. The amendment does not have a material adverse effect on the property rights of the other owners in the [Plat](#).
- (2) Relocated Lot Lines
  - a. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
  - b. Relocate one or more lot lines between one or more adjacent lots if:
    1. The owners of all those lots join in the [Application](#) for amending the [Plat](#);
    2. The amendment does not attempt to remove recorded covenants or restrictions; and
    3. The amendment does not increase the number of lots.
- (3) Replatting (No Increase in the Number of Lots Allowed)
  - a. Combine one or more existing lots if:
    1. The owners of all those lots join in the Application for amending the [Plat](#);



2. The amendment does not attempt to remove recorded covenants or restrictions; and
  3. The amendment does not have a material adverse effect on the property rights of the other owners in the [Plat](#);
- b. Replat one or more lots fronting on an existing street if:
1. The owners of all those lots join in the [Application](#) for amending the [Plat](#);
  2. The amendment does not attempt to remove recorded covenants or restrictions;
  3. The amendment does not increase the number of lots; and
  4. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

### Sec. 38-22.3. Correction Certificates Prohibited with a Use of an Amending Plat

Correction certificates are prohibited as an instrument for use within this [Section 38-22 Amending Plat](#), but may be used pursuant to [Section 38-23 Correction of Errors in Plats, without Amending Plats](#).

### Sec. 38-22.4. Notice

The approval and issuance of an [Amending Plat](#) shall not require notice, hearing, or approval of other lot owners.

### Sec. 38-22.5. Review Action by the Director of Community Development

**(A) The Director of Community Development shall:**

- (1) Initiate review of the Plat and materials submitted.
- (2) Request written comments from other City departments, if deemed necessary.

### Sec. 38-22.6. Approval Action by the Director of Community Development

**(A) The Director of Community Development shall:**

- (1) Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.
- (2) Act within sixty (60) calendar days following the [Application's Official Filing Date](#), unless the Applicant submits a Waiver of Right to 60-Day Action.
- (3) Take one of the following actions:
  - a. Approve the Amending Plat;
  - b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
  - c. Defer the Amending Plat to the Planning Commission for consideration prior to expiration of the required 60-day approval period unless a [Waiver of Right to 60-Day Action](#) is submitted in accordance with [Sec. 38-37.4. Waiver of Right to 60-Day Action](#).



### Sec. 38-22.7. Deferred Approval Action by the Planning Commission

#### **(A) Deferral to the Planning Commission of an Amending Plat Decision**

- (1) Per [Sec.38-22.6. \(A\)\(3\)](#) (above), if the [Director of Community Development](#) defers the [Amending Plat Application](#) to the [Planning Commission](#), the Commission shall consider the Application at a regular meeting no later than sixty (60) from the [Application's Official Filing Date](#).
- (2) The [Planning Commission](#) shall, upon simple majority vote, take one of the following actions:
  - a. Approve the Amending Plat;
  - b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
  - c. Deny the Amending Plat.

### Sec. 38-22.8. Appeal to City Council

#### **(A) Appeal to City Council of an Amending Plat Decision made by the Planning Commission**

- (1) Initiation of an Amending Plat Appeal
  - a. The Applicant may appeal the decision of the Commission by submitting a written notice of appeal to the Director of Community Development within fourteen (14) calendar days following the date of the Commission's decision.
  - b. The Applicant shall submit a letter stating the reasons for the appeal, citing the specific applicable section(s) of the Subdivision Regulations, shall be submitted by the Applicant.
- (2) City Council Decision

The [City Council](#) shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the [Director of Community Development](#).

- a. The City Council may affirm, modify, or reverse the decision by simple majority vote.
- b. The decision of the City Council is final.

### Sec. 38-22.9. Criteria for Amending Plat Approval

[Sec. 38-22.2. Applicability](#) shall be used to determine whether the [Application](#) for an [Amending Plat](#) shall be approved, approved with conditions, or denied.

### Sec. 38-22.10. Procedures for Recordation Following Approval

The procedures for recordation of an [Amending Plat](#) shall be the same as the procedures for recordation of a [Final Plat](#), as outlined in [Sec. 38-19.10. Procedures for Final Plat Recordation upon Approval](#).

### Sec. 38-22.11. Effect

Upon approval, an [Amending Plat](#) shall be recorded and is controlling over the previously recorded [Plat](#) without vacation of that [Plat](#).

