

7.7.503: RESOLUTIONS FOR AMENDING PLAT RESTRICTIONS:

It is recognized that restrictions and conditions, which are placed on recorded plats, may need to be removed because they no longer apply or are unnecessary.

A. Requirements: Restrictions and conditions on recorded plats may be removed if it is determined after a review by the Community Development Department, the City Engineer and the Utilities Executive Director, the requirements or conditions are no longer necessary or no longer applicable.

B. Submission:

1. Letter; Filing Fee: A letter setting forth the reasons for removing the restriction in question together with the filing fee established by City Council.

2. Copies Of Recorded Plat: A sufficient number of copies of the recorded plat to provide a copy to each agency with an interest in the restriction.

3. Public Notice: The public notice requirements as defined by part 1 of this article shall apply.

C. Distribution: The Community Development Department shall date and file the application and within the three (3) working days of submission shall transmit copies of the recorded plat to those agencies having an interest in the restriction that is to be removed for their review and comments.

D. Community Development Department Action: The Community Development Department shall either approve or disapprove the request.

1. Approval: If the Community Development Department, upon concurrence of the City Engineer and the Utilities Executive Director, approves the request, a resolution detailing the amendment shall be placed upon the next available City Council agenda as a report item.

2. Disapproval: The Community Development Department shall notify the applicant with all reasons for denial clearly specified.

3. Appeals: Any person aggrieved by any action of the Community Development Department in relation to this section may appeal such action to the Planning Commission in writing specifying the reasons for the appeal within ten (10) days of the date of said action.

E. Appeal To Planning Commission: The Planning Commission shall hear requests for removal of plat conditions and restrictions, which have been appealed from a decision of the Community Development Department.

1. Approval: If the Planning Commission approves the amendment, a resolution shall be recorded detailing the action.

2. Disapproval: If the Planning Commission finds the restrictions or conditions are necessary, then the amendment shall be denied.

F. Appeal To City Council: The City Council shall hear requests for removal of plat conditions and restrictions, which have been appealed from a decision of the Planning Commission.

1. Approval: If the City Council approves the amendment, a resolution shall be recorded detailing the action.

2. Disapproval: If the City Council finds the restrictions or conditions are necessary, then the amendment shall be denied. (Ord. 96-44; Ord. 98-185; Ord. 01-42; Ord. 09-80)