

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING ADMINISTRATIVE MINOR SUBDIVISIONS AND PROVIDING CRITERIA, EXEMPTIONS, AN ADMINISTRATIVE PROCESS, AND AN APPEALS PROCESS FOR CERTAIN MINOR SUBDIVISIONS BY AMENDING CHAPTER 5 OF TITLE 12 OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Title 12, Subdivision Regulations, Chapter 5 Minor Subdivisions, of the Helena City Code is hereby amended as follows:

CHAPTER 5 MINOR SUBDIVISIONS

SECTION:

- 12-5-1: City Commission Discretionary Power
- 12-5-2: Review
- 12-5-3: Amended Minor Subdivision Applications
- 12-5-4: Administrative Minor Subdivisions

12-5-1: CITY COMMISSION DISCRETIONARY POWER:

Subdivisions defined as minor subdivisions will be reviewed pursuant to those requirements established by state law 76-3-609, Montana Code Annotated, will be reviewed pursuant to those requirements established by state law and this chapter. (Ord. 3065, 10-16-2006)

12-5-2: through **12-5-3:** No change.

12-5-4: ADMINISTRATIVE MINOR SUBDIVISIONS:

- A. A first or subsequent minor subdivision is an "administrative minor subdivision" if the proposed subdivision:
 - 1. Is subject to and complies with zoning regulations pursuant to Title 11;
 - 2. Has adequate access to water and wastewater service;

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3. Has existing legal access and physical access to each lot; and
 4. Does not require a variance as described in 12-2-4.
- B. An administrative minor subdivision is exempt from the review requirements in 12-5-2, including the following:
1. A summary of probable impacts based on the criteria described in Section 76-3-608(3), Montana Code Annotated;
 2. The environmental assessment required in 76-3-603, Montana Code Annotated; and
 3. The review criteria described in 76-3-608(3)(a), Montana Code Annotated.
 4. The requirements of subsections (2) through (5) of Section 1 of 76-3-609, Montana Code Annotated
- C. For administrative minor subdivisions, the Director of Community Development or a designated representative and the City Engineer or a designated representative shall:
1. Assume all decision-making authority of the City Commission provided in Section 12-5-1;
 2. Approve, conditionally approve, or deny an administrative minor subdivision and issue a written statement pursuant to 76-3-620, Montana Code Annotated, within 30 working days of a determination by the Department of Community Development that the application contains required elements and sufficient information for review as provided in 12-2-3, excluding exempt material described in 12-5-3(B); and
 3. Immediately on a determination that the application meets the requirements of 12-2-3, notify by first-class mail of the pending application:
 - a. Each property owner of record whose property is immediately adjoining the land included in the preliminary plat; and

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b. Each purchaser under contract for deed of property immediately adjoining the land included in the preliminary plat.

4. If a party identified in 76-3-625(3) objects to a decision of the Director of Community Development, or a designated representative, to approve, conditionally approve, or deny an administrative minor subdivision, the party may request in writing that the Director of Community Development, or a designated representative, forward the application on to the City Manager.

5. The City Commission shall sustain the decision of the Director of Community Development, or a designated representative, based on the whole record ~~as a whole~~, unless the decision was arbitrary, capricious, or unlawful. The City Commission has 15 working days from the receipt of the request to review a decision to approve, conditionally approve, or deny the administrative minor subdivision and make a final determination.

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FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS DAY OF.

ATTEST:

MAYOR

CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF
HELENA, MONTANA, THIS DAY OF.

ATTEST:

MAYOR

CLERK OF THE COMMISSION

