

# SPECIAL EXEMPTION PLAT

DEVELOPMENT PERMIT APPLICATION REVIEW PROCESS (TCLUR Chapter 9, Sections 9.4.B and 9.4.C)

**OVERVIEW** The Board of County Commissioners may approve special subdivisions of land including those that: (1) create a lot for a public building or facility; (2) create a lot for use as open space when held in permanent conservation easement; (3) combine one or more platted and unplatted lots owned by the same entity that have the same zoning and share a common boundary line at least 10 feet long. (See also: *Section 9.4.C Unplatted Boundary Adjustments*).

## PROCESS

PRE-SUBMITTAL MEETING WITH  
PLANNING STAFF

Pre-Submittal Meeting with Planning Staff. Reviews requirements of the application and highlights information needed for decision makers to make a determination.

APPLICATION SUBMITTED

Application Submitted. Based on Pre-Submittal Meeting, Applicant prepares materials and submits them to Planning Department for review to see whether the application is complete.

COMPLETENESS REVIEW - APPLICANT  
NOTIFIED IN WRITING OF  
OUTSTANDING DEFICIENCIES

Completeness Review. Staff formally reviews the application to determine whether all information required has been submitted and the plat is correctly prepared. Staff notifies Applicant in writing and in detail of any items still outstanding.

APPLICANT REVISIONS

Applicant Revisions. Applicant makes any changes and/or provides any missing information necessary to make the application complete. Staff will provide a review agency list and indicate the number of copies of the complete application, including paper copies of the plat, needed. Applicant submits copies.

FORMAL COUNTY AND OUTSIDE  
AGENCY REVIEW

Formal County & Agency Review. Copies of the complete application are distributed to Staff and appropriate agencies for review and comment based on compliance with Federal, State, and County regulations.

APPLICANT REVISIONS

Applicant Revisions. Applicant makes any final changes or addresses any referral comments. A plat Mylar is prepared, as are final versions of any required documents. Applicant secures all required signatures on all documents, other than the signature of the Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS  
HEARING DATE SET / STAFF REPORT

Hearing Date Set/Staff Report. When all fully executed documents are received by Staff, a hearing before the Board of County Commissioners is scheduled, normally within 30 days. A Staff Report is prepared and distributed at least 10 days prior to the Board's hearing.

BOARD OF COUNTY COMMISSIONERS  
HEARING

Board of County Commissioners' Hearing. Staff (and Applicant as necessary) make presentations; public comment (if any) will be taken. At the end of the hearing the Board will vote on a Resolution to approve, approve with conditions, or deny the Special Exemption Plat and any

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related documents. If all is approved, the plat and all documents will be executed by the Board and recorded.

### **APPLICATION CHECKLIST**

- A properly completed **Application Form**, together with the additional materials required by *Section 3.2*.
- Four paper copies** of the Special Exemption Plat, prepared by a Surveyor and meeting the requirements of *Appendix C Plat Specifications and Certificates*. When the location or past or present use of an easement otherwise known to exist is uncertain, it is the responsibility of the landowner to locate it, and ascertain its uses. Prior plat notes, if any, shall be carried forward.
- For properties smaller than 35 acres**, written proof that the parcel(s) was legally created by (1) deed prior to August 17, 1972; (2) approval by the Board of County Commissioners; or (3) otherwise legally established as a separate lot, parcel, or tract of land.
- Demonstration that the land has **legal and physical access to a public street**, road, or right-of-way by conventional vehicle.
- Demonstration that upon approval, **the land can be provided with a legal, physical, adequate and dependable potable water supply**.
- Demonstration that **the land will be provided with a lawful means of disposing of human wastes**.
- An Environmental Description according to *Section 6.2 Environmental Description* and any other evidence that may be necessary to demonstrate that the proposed Subdivision Exemption will have a **safe and adequate building site**.
- A Development Agreement or Subdivision Improvements Agreement or other agreement may be required.

### **EVALUATION STANDARDS**

1. The proposed Special Exemption Plat meets the requirements for a Special Exemption Plat.
2. No more buildable lots parcels or tracts of land are created other than the number existing prior to the Special Exemption Plat (exception for the creation of a lot for a public purpose).
3. The proposed Special Exemption Plat has (a) legal and physical access to a public street, road, or right-of-way by conventional vehicle; (b) will be provided with a legal, physical, adequate and dependable potable water supply; and a lawful means of disposing of human wastes.
4. The proposed Special Exemption Plat contains a safe, adequate, building site(s).
5. The Special Exemption Plat is technically correct and has been properly executed by all required parties other than the Board of County Commissioners.
6. Any and all Agreements have been fully executed by all parties other than the Board of County Commissioners.

#### **For an Unplatted Boundary Adjustment the following Standards also apply:**

1. The total area of land subtracted from the one lot and added to the other, net of any addition to that lot as a result of the boundary adjustment, does not exceed 25% of the total area of the lot from which it is subtracted.
2. The resulting lots are in substantially the same configuration as before the adjustment.
3. The following additional Standards are met.
  - a. **EITHER** the Unplatted Boundary Adjustment does not create a new non-conforming lot or substantially increase the existing nonconformity of any legally non-conforming lot; **OR**
  - b. The Board of County Commissioners determines that:
    - (1) The new non-conforming lots to be created can function adequately under their zoning; **AND**

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- (2) Building site plans consistent with the zone district standards can be designed for the non-conforming lots that minimize to the greatest degree practicable any legally existing nonconformities; **AND**
  - (3) Notwithstanding any lot nonconformity(ies) resulting from the adjustment, the site taken as a whole increases the usability of the lots and is more compatible with the neighborhood or with the public health and safety, than before the boundary adjustment.

#### **OTHER**

- **Use Section 9.10 Vacation** when the intent is to vacate a platted subdivision in whole or in part, or rights-of-way, easements or tracts.
- **Use Section 9.8 Amended Final Plat** when the intent is to alter lot lines between lots in a **platted** subdivision, or combine two or more platted lots when easements are vacated, or change a platted building envelope or otherwise alter a recorded Final Plat.
  - **Section 9.8.D Modified Procedures for Combining Platted Lots** may be used to combine two or more lots in a platted subdivision when easements are not vacated.
- **Use Section 9.9 Technical Corrections Plat** when the intent is to correct a minor technical error in a recorded Final Plat.
- The boundaries of **contiguous tracts of land 35 acres or greater** may be legally adjusted without County review by filing corrected legal descriptions **if each resulting tract is 35 acres or greater**.
- Legally existing **contiguous unplatted tracts less than 35 acres may be combined**, and the boundary between them eliminated, without County review by filing a corrected legal description.

#### **CONTACT US!**

The information above is a **summary only**. The Land Use Regulations may require more or less than is stated in this brochure.



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