

CHAPTER 1107
Application and Approval Procedure

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CROSS REFERENCES

Intent of design standards and criteria - see DEV. 1109.01
Plans, plats and documents - see DEV. Ch. 1113
Subdivision defined - see DEV. 1179.19

1107.01 INTENT.

Procedures are herein established for achieving effective administration of the Subdivision Regulations, including new areas as well as those to be resubdivided and providing:

- (a) Standards by which a developer may design the development, apply for review, construct land improvements and record the plat.
- (b) Procedures by which the Planning Commission reviews, makes recommendations, approves the plans and plats and other administrative functions, including resubdividing.
- (c) Criteria for planning and developing land consistent with the Zoning Code, and in accordance with the objectives of the Master Plan.
(Ord. 58-73. Passed 7-23-73.)

1107.02 PRE-APPLICATION MEETING.

(a) Copies of these Subdivision Regulations, the Zoning Code, Street Plan, existing and planned utilities, topographic surveys and other available maps and relevant information shall be made available by the City at a cost to be determined by Council.

(b) A developer may request a pre-application or orientation meeting with the Planning Commission and submit a sketch plan of his contemplated subdivision. The Commission shall at its next regular meeting, schedule an orientation discussion as the first step, to explain the regulations and procedures, the relationship of the Street Plan, identify problems and any special requirements and outline the application program.
(Ord. 58-73. Passed 7-23-73.)

1107.03 PRELIMINARY DESIGN PLAN.

(a) Application. The developer, having availed himself of information in regard to regulations, requirements and any special problems identified through the procedures set forth in the preceding Section, may file an application for approval of the preliminary plan. The written application shall include six (6) black line or blue line prints of the preliminary plan, or plans, along with the surveys, improvement plans and other documents as required by Chapter 1113 and such other material as the City may require, to the Building Division. Application shall be submitted at least seven (7) calendar days prior to the next regular Commission meeting to be included on the agenda.

The principal purposes of the preliminary plan are to explore the best design of the subdivision and its relationship to adjoining developments or vacant land, to ascertain whether it is an improvement to the local street pattern as shown on the adopted Street Plan, to outline the program of land improvements and, moreover, to obtain the suggestions and recommendations of the Commission before a firm plan is prepared.

Wherever construction of buildings is involved, the preliminary subdivision plan may be combined with an application for a Planned Unit Development of buildings as set forth in Chapter 1175 of the Zoning Code.

(b) Planning Commission Action. When the Building Division receives such application, together with all of the maps, drawings, data and plans as required in Chapter 1113, the Division shall place such application on the agenda of the next regular meeting of the Planning Commission for preliminary discussion. One (1) copy shall remain in the Building Division and one (1) copy shall be referred to the Commission's planning consultants for their review and report as to compliance with all relevant regulations, standards and criteria and recommendations for general improvements to the design. Within fourteen (14) days from receiving a preliminary plan, the City Engineer and the planning consultant shall make their reports to the Commission.

If adjoining unsubdivided land or lots are directly affected by a street connection or other features, the Commission shall schedule a public hearing and notify by mail the owners of the adjoining unsubdivided land or lots as shown upon the current records of the County Recorder, of the time and place of the hearing.

If the Commission, after an evaluation of the preliminary plan and reports of the City Engineer and planning consultant, approves or approves conditionally, the plan, the chairman and the secretary shall affix their signatures to six (6) copies of the plan with a notation that the developer is authorized to proceed thereon, subject to such special conditions as the Commission may attach. After

such approval, the Commission shall return one (1) copy to the developer, submit one (1) copy to the Mayor, file one (1) copy with the Clerk, retain two (2) copies, and file one (1) copy with the Building Division. If the Commission fails to approve the preliminary plan, it shall state in its records the reason for such disapproval. The Commission shall approve, approve conditionally or disapprove within forty-five (45) days after the meeting at which the preliminary plan was received, or within a mutually agreed upon extension.

(c) Effect of Authorization to Proceed. The approval authorizes the developer to proceed using the preliminary plan as the basis for preparing the final plat and assures him that within a nine (9) month period from the date of such authorization, that the relevant regulations of the City and any special conditions attached to the approval of the plan will not be changed; provided the developer shall submit the final plat and documents for approval for the whole or part of the subdivision within nine (9) months; otherwise, the approval of the preliminary plan shall be considered null and void, unless the Commission extends the time. (Ord. 58-73. Passed 7-23-73.)

1107.04 FINAL PLAT.

(a) Application. The written application for approval of a final plat of a subdivision shall be filed with the Building Division not less than seven (7) calendar days prior to the next regular meeting of the Planning Commission at which the plan is to be reviewed. It shall include the original tracing of the final plat, the original tracing of the drawings for the improvements plan, three (3) black line or blue line tracings, three (3) sets of specifications and other maps and data and certificates as required and set forth in Chapter 1113.

The developer may also propose a sequence of development and apply for approval of a final plat and improvements plan of only that section of the preliminary plan which he proposes to develop and record as the first stage; however, the approval of the subsequent sections of the preliminary plan may be considered null and void if an application for a final plat and improvements plan approval is not submitted within one (1) year after approval of the preliminary plan, unless an extension of time is granted by the Commission.

(b) Review by City Engineer and Director of Law. The Building Division shall, upon receipt of an application, transmit two (2) copies of the drawing, specifications and related documents to the City Engineer for determination whether:

- (1) The final plat conforms to the approved preliminary plans, incorporates the conditions or modification stipulated for correctness of mathematical data and computations.

- (2) The designs and details of the required improvements are in conformance with the construction standards of the City, hereinafter referred to as the City's standards, and the City Engineer shall estimate the cost of improvements for the required performance bond.

Copies of the documents shall be submitted to the Director of Law for determination of conformance of certifications, bonds, insurance, protective covenants and other related aspects. The City Engineer and Law Director shall, within twenty (20) days of receipt of the documents, report their findings and recommendations to the Commission.

(c) Action by Planning Commission. If the City Engineer, Director of Law and the Commission find that the final plat, improvements plan and other documents are satisfactory in regard to all applicable provisions of these Regulations, the Commission shall recommend to Council the approval of the plat and accompanying documents. Action shall be taken within forty-five (45) days after the meeting at which the application for approval and all required plats, maps and data were submitted to the Commission, or within an extension of time as set by the Commission.

The Commission may act upon the final plat and land improvements plan either separately or concurrently. The Commission may also require the submission of plans and information on the dwellings proposed by the developer and require assurance, in the form of a surety bond, that construction of improvements shall be started within six (6) months after the approval of the final plat and accompanying documents.

(d) Council Action. Upon receiving approved copies of the final plat from the Commission, Council shall have thirty (30) calendar days within which to approve, modify or disapprove the plat.

(e) Form of Approval. The approval of the final plat shall be indicated by a certification to that effect on the original tracing of the plat with the signature of the Chairman and Secretary of the Commission and the Clerk of Council. The Commission shall obtain one (1) duplicate tracing thereof at the developer's expense before returning the tracing to him. The reason for disapproval of a plat shall be stated in the records of the Commission or Council, depending upon where the plat was disapproved.

The approval of the land improvements plan shall be indicated by a certification to that effect on the original drawings and specification with the signature of the City Engineer. Approval of the improvements, as constructed, shall likewise be certified by the City Engineer.

(f) Recording. The developer shall file the approved final plat in the office of the County Recorder. The approval of the final plat shall expire within sixty (60) days unless within that period the plat shall have been duly filed and recorded and the Commission so notified in writing by the developer. If the final plat is revised in any manner after approval, it shall be resubmitted for reapproval.

(g) Effect of Approval and Recording. Whenever the improvements plan has been approved, construction guaranteed and the final plat approved and recorded, thereafter, the construction of improvements may be started, building permits may be issued and lots may be sold, leased or transferred.

Occupancy permits for any building in the subdivision shall not be issued until streets and utilities are accepted by Council for public use.

If construction of the land improvements or dwellings are not started within six (6) months after approval of the final plat and documents, or if the construction is discontinued for a period of eight (8) months, the developer shall forfeit his bond and the approval of the subdivision shall be null and void.
(Ord 58-73. Passed 7-23-73.)

1107.05 LAND FOR PUBLIC AND COMMON USE.

(a) Dedication for Public Use. The approval of the final plat by Council shall also constitute acceptance of dedication of any land for public use and any easement before it is recorded. The subsequent acceptance of any street or utility for public use and maintenance shall be by separate action of Council.

(b) Common Land. Whenever a developer submits a plan showing land for common use by a group of owners or occupants, a copy of the covenants and restrictions related to such common land shall be submitted along with the plans of the subdivision. The Commission shall not approve the dedication of such common land unless it finds that covenants and restrictions are satisfactory in regard to: the permitted uses; the improvements to be made by the developer; the fact that it is owned by a home association, condominium or similar private organization; that the owner of each dwelling unit shall be responsible for his share of the maintenance cost, which share when not paid, shall be a lien against the property; and that it shall be satisfactorily maintained at no cost to the City.
(Ord. 58-73. Passed 7-23-73.)

1107.06 RESUBDIVISION AND VACATION.

(a) Approval of changes, resubdivision and vacation of subdivisions shall be required which involve assembling parcels for a unit development, resubdividing, replatting or vacation of a subdivision or a part thereof. An application for such

action shall be made by the owner or owners to the Planning Commission in the same general form as for an original subdivision along with the relevant maps and information. The preliminary plan and final plat procedures may be combined in a single application and review process. Improvement plans shall not be required if the assembly or division of a parcel does not involve street improvements or the installation of utilities.

(b) The original lots shall be shown by dotted lines, and lot numbers and other references made to a previously recorded subdivision. After the replatting or vacation plat is approved by the Commission, it shall be recorded.
(Ord. 58-73. Passed 7-23-73.)

1107.07 CITY MAP.

In order that proposed subdivisions may be properly planned and reviewed, a map of the City showing all streets and lot lines shall be kept up to date by the City Engineer and maintained on file by the Clerk. Preliminary plans, when approved, shall be indicated on a print of the City Map, and every final plat, when recorded, shall be added to the tracings thereof.
(Ord. 58-73. Passed 7-23-73.)