

## **CHAPTER 17 Subdivisions**

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### **ARTICLE I Administrative Provisions**

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**Sec. 17-1-60. ~~Effective date.~~(Repealed)**

~~The ordinance codified herein shall take effect on February 1, 2014.~~

(Ord. 13-12 Art. 4)

**Sec. 17-1-90. Definitions.**

~~City Engineer means the City's designated engineer as authorized by resolution, contract or other Council action, who performs the engineering functions as set forth in this Chapter.~~

~~Subdivision Improvements shall mean the street, drainage and other improvements including, but not limited to, landscaping, retaining walls, hardscape, etc., as shown on the approved construction plans.~~

~~Subdivision improvements agreement or subdivision agreement means one (1) or more security arrangements which the City shall accept to secure the actual cost of construction of such public improvementssubdivision improvements, as are required by this Chapter or other applicable regulations, within the subdivision. The subdivision improvements agreement (SIA) may include any one (1) or a combination of the types of security or collateral listed in this definition, and the subdivider may substitute security in order to release portions of the subdivision for sale.~~

**ARTICLE II General Standards, Procedures and Requirements**

- [Sec. 17-2-10. Intent. \(AMENDMENTS PROPOSED\)](#)
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### **Sec. 17-2-10. Intent.**

The following provisions apply to all subdivisions of land in the City to assure the creation of lots which can be developed in conformance with this Chapter [17](#), [Chapter 15](#), Chapter 16, the Building Code, Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria Manual, design guidelines and other applicable City regulations.

(Ord. 13-12 Art. 4)

### **Sec. 17-2-20. Description of subdivision process.**

- (a) Single-family detached development. The steps required to obtain approval of a subdivision for single-family detached development include preliminary plan and final plat. Each is a distinct process involving the submittal of an application, an application fee, required plans and reports and referrals of the proposal to other agencies and entities. At each step of the process, the level of design and engineering increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and, therefore, a revision of expensive engineering or planning reports. Approval of the preliminary plan does not ensure approval of the final plat. The processes include:
  - (1) Preliminary plan. The review of the feasibility of the project, including technical engineering, preliminary design and relationship to surrounding land uses; location and mitigation of geologic and other natural hazards; identification of visual and environmentally sensitive areas and critical wildlife habitat areas; identification of historic and archeologically sensitive sites; ability to obtain water and sanitation and other required services; adequacy of vehicular and pedestrian circulation; and conformance with the Comprehensive Plan, Zoning Code and applicable planned development sub-area plans. The preliminary plan shall be reviewed by the Planning Commission and reviewed and approved by the Council at a public meeting prior to submittal of the final plat for single-family detached development.
  - (2) Final plat. The review of all final engineering plans, subdivision improvement agreements and other legal requirements with final approval by the City Manager.
- (b) Single-family attached, multi-family. The steps required to obtain approval of a subdivision for single-family attached, multi-family development includes final plat. In this case, the final plat shall be reviewed by the Planning Commission and reviewed and approved by the City Council. It is an abbreviated process as it does not require preliminary plan review and approval; however, more information on the project is generally forthcoming, as these applications often accompany the site improvement plan for the site.
- (c) Nonresidential. The steps required to obtain approval of a subdivision for nonresidential development includes final plat. In this case, the final plat shall be reviewed by the Planning Commission and reviewed and approved by the City Council. It is an abbreviated process as it does not require preliminary plan review and approval; however, more information on the project is generally forthcoming, as these applications often accompany the site improvement plan for the site.

| <b>Review Process</b>                               | <b>Preliminary Plan</b>                                      | <b>Final Plat</b>   |
|---|--|---|
| Single-family detached development                  | Reviewed by Planning Commission and approved by City Council | Approved by City Manager  |
| Single-family attached and multi-family development | N/A  | Reviewed by Planning Commission and approved by City Council                            |
| Nonresidential development                          | N/A  | Reviewed by Planning Commission and <del>reviewed</del> <u>approved</u> by City Council |

- (d) If any proposed plan or plat is denied by the Council or City Manager, a new subdivision application for the same or substantially the same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the Council within ten (10) days from the date of the decision.

(Ord. 13-12 Art. 4)

**Sec. 17-2-40. Subdivision improvements.**

In each subdivision, the City shall determine the type, location and extent of necessary ~~public improvements~~ subdivision improvements, depending upon the characteristics of the proposed development and its relationship to surrounding areas. The developer shall provide for the construction, at no cost to the City, of all utilities and other public infrastructure, as required by the City, and provide the necessary security needed to ensure such improvements are made as determined by the City. Improvements shall be made according to plans and specifications prepared by a qualified professional engineer in accordance with the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading, Erosion and Sediment Control Manual, Chapter 15, the Building Code and other applicable regulations. Underground placement of utility lines shall be required in all subdivisions.

**Sec. 17-2-50. Streets.**

All streets and road rights-of-way shall be constructed in conformance with the roadway standards specified in the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading, Erosion and Sediment Control Manual, Chapter 15 and other applicable regulations.

**Sec. 17-2-60. Erosion and sediment control plan.**

An erosion and sediment control plan shall be submitted which addresses the existing and potential erosion and sediment problems created by the proposed development. Conservation measures used to mitigate these concerns shall be in accordance with Chapter 16 of this Code, the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual and the Grading,

Erosion and Sediment Control Manual, [and Chapter 15](#). If applicable, the Soil Conservation District shall be consulted regarding erosion and sediment control.

**Sec. 17-2-70. Drainage study.**

Drainage studies shall be submitted as part of the subdivision submittal requirements in conformance with the Storm Drainage Design and Technical Criteria Manual [and Chapter 15](#).

**Sec. 17-2-80. Other ~~public improvements~~ [subdivision improvements](#).**

Other reasonable improvements not specifically mentioned herein and found appropriate and necessary by the City shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate.

(Ord. 13-12 Art. 4)

**Sec. 17-2-90. Guarantee of ~~public-subdivision~~ [improvements](#).**

- (a) No final plat shall be recorded until the applicant has submitted, and the Public Works Department has reviewed and accepted, one (1) or a combination of the following:
- (1) A subdivision improvement agreement to construct any required [public improvements](#) ~~subdivision improvements~~ shown in the final plat documents [and approved construction plans](#).
  - (2) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required [public improvements](#) ~~subdivision improvements~~ shown in the final plat documents which, in the judgment of the Public Works Department, will make reasonable provision for completion of said improvements in accordance with design and time specifications.
  - (3) Documentation that there are no required [public improvements](#) ~~subdivision improvements~~ associated with the final plat.
- (b) When required, the applicant shall provide security, in a form acceptable to the City, for the [public improvements](#) ~~subdivision improvements~~ as follows:
- (1) The applicant shall provide the City with an itemized estimate of the cost of required improvements on a standardized form available from the Public Works Department in accordance with the requirements of the Roadway Design and Construction Standards and the Storm Drainage Design and Technical Criteria Standards. Upon review, the Public Works Department shall require one (1) of the following:
    - a. Security of one hundred fifteen percent (115%) of the total cost of the required [public improvements](#) ~~subdivision improvements~~ shall be paid by the applicant ~~if any lots or parcels of the subdivision are to be sold or transferred, or issuance of building permits, prior to completion and probationary acceptance of all required public improvements, prior to the approval of the construction plans and issuance of a construction permit.~~
    - b. Security of fifteen percent (15%) of the total cost of required [public improvements](#) ~~subdivision improvements~~ shall be paid by the applicant prior to the sale or transfer of lots, or issuance of building permits, when the required [public improvements](#) ~~subdivision improvements~~ have been completed and been granted probationary acceptance by the Public Works Department.
    - c. No security is required toward the total cost of required [public improvements](#) ~~subdivision improvements~~ that have been completed and have been granted final acceptance by the Public Works Department (at the end of the two-year probationary period).

- (c) The ~~City Engineer~~Director of Public Works or his/her designated representative shall review the SIA and the cost estimates and recommend changes as necessary to complete the required improvements.
- (d) The City Attorney shall review any modifications made by the applicant to the SIA and notify the applicant of any deficiencies or required changes. The SIA shall be in the form provided by the City Attorney and approved by the City Manager.
- (e) The ~~City Engineer~~Director of Public Works or his/her designated representative shall monitor the SIA and any performance agreements.
- (f) At the discretion of the City Manager, the City may waive the requirement for security by federal, state or local governments, including metropolitan districts, special districts and the like.

**Sec. 17-2-100. Release of security.**

As improvements are completed, the subdivider may apply to the Public Works Department for a release of part or all of the security. Upon inspection by the ~~City Engineer~~Director of Public Works or his/her designated representative and upon their approval, the City shall release the security or portion thereof. If the City determines that any improvements are not constructed in substantial compliance with the specifications, it shall furnish the applicant a list of specific deficiencies and shall retain security sufficient to ensure such compliance. If the City determines that the applicant has not constructed any or all of the improvements in accordance with all of the specifications, the City may withdraw and employ from the deposit of security such funds as may be necessary to construct the improvement in accordance with the specifications. If the submitted security is not sufficient to cover the improvements, the applicant is responsible for the additional costs. Security to cover the cost of repair of such improvements is required during the warranty period in accordance with the requirements of the subdivision improvements agreement.

**Article V Final Plat for Single-Family Attached, Multi-Family and Nonresidential Development**

Sec. 17-5-60. (13) The following certifications on a single sheet shall be provided in accordance with Article ~~IX-VIII~~ of this Chapter: Surveyor, Dedication Statement, Storm Drainage Facilities Statement, General Overlot Drainage Note, City Manager, County Clerk and Recorder's office and Title Verification.