

## **ARTICLE IV**

### **APPLICATION PROCEDURE AND APPROVAL PROCESS**

**SECTION 1. PRE-APPLICATION REQUIREMENTS:** Prior to the filing of a sketch plan or preliminary plat, the sub-divider shall contact the City to determine:

1. Subdivision requirements.
2. Procedure for filing his plat.
3. Availability of an approved public sewer system and public water system.
4. Comprehensive plan requirements for major streets, land use, parks, easements, schools, and public open spaces.
5. Zoning requirements for the property being subdivided and adjacent properties.
6. Special setback requirements for arterial, collector and local streets.

**SECTION 2. SKETCH PLAN:** The sub-divider is encouraged to submit a sketch plan in order to receive the pre-plat comments of the Planning Commission. Such number of copies of the plan, as may be determined necessary by the Zoning Administrator, shall be submitted to the Administrator at least ten (10) days prior to the next regular meeting of the Commission. The sketch plan may be in a simple format sufficient in content to show the general location of the subdivision; the existing and proposed location of streets, lots, utilities, public service areas, such as parks and schools; and any significant physical features; and to note any particular site design problems. A narrative description of existing conditions and development proposals may supplement the plan. Following Planning Commission review, the Administrator shall, within fifteen (15) days, advise the sub-divider of the results of the review.

**SECTION 3. PRELIMINARY PLAT:**

1. After reaching the preliminary conclusions regarding requirements of the proposed subdivision, the sub-divider shall submit a preliminary plat together with required supplementary information to the Zoning Administrator. The plat and accompanying documentation shall be filed with the Administrator at least twenty (20) days prior to the next regular meeting of the Planning Commission. The sub-divider shall submit such number of copies of the preliminary plat as may be determined necessary by the Zoning Administrator for proper review by affected and interested governmental and public and private organizations.
2. A filing fee shall be paid in an amount as required by a schedule of fees determined by the Governing Body. The preliminary plat shall not be accepted for filing until the filing fee has been paid by the sub-divider.

3. The sub-divider shall submit, with the preliminary plat, a complete list of the names and mailing addresses of all owners of record of land within 200 feet of property being proposed for subdividing or re-subdividing, if the subject property is entirely surrounded by land inside the City boundary, and within 1,000 feet of the property where the lot or tract will border on lands outside the City boundary. The 1,000 foot requirement shall only apply in the unincorporated portion of the adjacent area.
4. After the filing of the preliminary plat, the Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have fifteen (15) days to review the preliminary plat and to make their report and recommendations to the Planning Commission. A lack of response within fifteen (15) days shall, at the discretion of the Planning Commission, signify approval.
5. The Planning Commission shall review the preliminary plat and staff report to determine compliance with these regulations, zoning resolutions, and the comprehensive plan for the City. If all considerations are satisfied, the Planning Commission shall approve, by signature, the preliminary plat.
6. If the Planning Commission determines that the preliminary plat does not satisfy the applicable requirements, it may:
  - a. Allow the sub-divider to amend the preliminary plat so as to incorporate such modification and resubmit the preliminary plat to the Planning Commission. After re-submission the Planning Commission shall grant its approval provided that all modifications are made under the original agreement.
  - b. The sub-divider may reject the suggested modifications, or within the allowed time limits, may refrain from taking action. In either case, the effect shall be disapproval and the Planning Commission shall furnish the sub-divider with a written statement setting forth the reasons for disapproval.
7. In any event, the Planning Commission shall approve or disapprove the preliminary plat within sixty (60) days from the date of filing of such plat or from the date the sub-divider has submitted the last item of required information, whichever date is later unless such time is extended by mutual consent.
8. The sub-divider may appeal the disapproval of his preliminary plat to the Governing Body. Such appeal shall be made in writing and filed with the Administrator within sixty (60) days after the date the Planning Commission issues its disapproval of the preliminary plat.
9. Approval of the preliminary plat shall have the following effects:
  - a. Such approval shall be considered permission to submit the final plat.

- b. Approval for submission shall be effective for no more than one (1) year from the date approval was granted but an extension of time may be granted for good cause for a maximum period of six (6) months.

**SECTION 4. FINAL PLAT:**

1. A final plat, together with a sufficient number of copies as determined by the Planning Commission, shall be filed within twelve (12) months of the date of approval of the preliminary plat. The application for approval shall be filed with the administrator at least twenty (20) days prior to the next regular meeting of the Planning Commission.
2. With approval of the Planning Commission, the final plat may be for the entire area of the preliminary plat, or may be developed and submitted as separate units, provided at least one (1) such unit shall be filed within twelve (12) months, and all of the tract shall be final platted within five (5) years, unless an extension of time has been granted by the Planning Commission. Any such extension shall be for no more than one (1) year.
3. The Planning Commission shall, within sixty (60) days after the final plat has been filed, review and approve the final plat if:
  - a. It is substantially the same as the approved preliminary plat; or
  - b. There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and
  - c. It complies with all of the provisions contained in these regulations and of other applicable regulations or laws.
  - d. The subdivision or re-subdivision of the tract of lots does not place an existing permanent structure in violation of the requirements of the zoning regulations.
4. If the Planning Commission fails to act on the final plat within sixty (60) days after it has been submitted for approval, it shall be deemed to have been approved unless the sub-divider shall have consented in writing to extend or waive such time limitation.
5. Before a final plat is recorded, it shall be submitted to the Governing Body for its approval and acceptance of dedications for streets and other public ways, service and utility easements, and any land dedicated for public use. If the Governing Body disapproves the final plat, they shall advise the sub-divider in writing of the reasons for such disapproval.
6. The Governing Body shall either approve or disapprove the final plat within sixty (60) days after it has been submitted to them for final approval. If they fail to act on the final plat within sixty (60) days, it shall be deemed to have been approved unless the sub-divider shall have consented to extend or waive such time limitation.

7. The final plat, with all required signatures and in the exact form as approved by the Governing Body, shall be recorded by the sub-divider with the County Register of Deeds. The sub-divider shall pay the recording fee. Approval of the final plat by the Planning Agency and the Governing Body shall be null and void if the plat is not acceptable for recording in the office of the Register of Deeds or is not recorded within sixty (60) days after final approval by the Governing Body. The Register of Deeds shall reproduce copies of the recorded plat for the record keeping purposes of County and other governmental agencies.

**SECTION 5. SMALL TRACT PLATTING PROCEDURE:**

1. For certain small tracts, the Planning Commission may approve an abbreviated platting process not requiring submittal of either a sketch plan or a preliminary plat. To qualify for the abbreviated procedure, the proposed subdivision shall comply with the following requirements:
  - a. The subdivision shall not include more than ten (10) acres for a residential development, or more than five (5) acres for any other type of development.
  - b. The proposed subdivision shall not create more than five lots, tracts, or parcels of land.
  - c. The plat shall not create new streets or access easements or other improvements requiring dedication of public spaces.
  - d. The plat shall be prepared in the manner required for final plats by these regulations, including all information, documentation, and certifications.
  - e. The plat shall be filed for processing and approval in the same manner as required for preliminary and final plats by these Regulations.
2. In order to facilitate processing and review of plats qualifying for the abbreviated process, the Zoning Administrator may require the sub-divider to submit supplemental information with the plat, particularly where there are special site conditions such as watercourses or other unique features. Sufficient copies of the plat and supplemental information shall be submitted, as determined by the Zoning Administrator, to allow review by affected and interested governmental units and the general public.
3. The approval process for plats filed under the abbreviated procedure shall be the same as that specified by these Regulations for a final plat, except for the requirement of an approved preliminary plat.