

Subdivision Application Procedure and Approval Process

- ❖ Before any plat shall be recorded or be of any validity, it shall have been presented to the Commission and approved by City Council as having fulfilled the provisions of these regulations and other applicable ordinances. The provisions of these regulations, unless otherwise stated, shall be administered by the Director. In the administration of these regulations, the Director shall:
 - (1) Receive and maintain current permanent records for all applications for subdivision approval. The Director shall, in conjunction with the City Engineer, review applications for completeness and substantial compliance with the subdivision regulations.
 - (2) Insure that copies of the subdivision regulations are available for public review and distribution.
 - (3) Provide such technical and consultative assistance as may be required by the Commission, City Council, and other agencies of the City in the exercise of their duties relating to these regulations.

Procedure for Minor Subdivision Approval

The required submission of a preliminary plat may be waived for minor subdivisions as defined in this Article (see definition Sec. 42-33), as follows:

- (1) The subdivider shall prepare a final plat together with any improvement plans and other supplementary material as prescribed herein. The Director, with input from the City Engineer, shall determine if the subdivision meets the standards for a minor subdivision.
- (2) Submit to the Director, together with processing and recording fees, five (5) copies of the final plat plus one (1) original. The Director shall place the final plat on the Commission's agenda following review by City and utility companies' staff.
- (3) The Commission shall review the final plat and supplementary material and any recommendations from agencies or officials. The Commission may approve as submitted, approve with conditions, or disapprove the final plat. If disapproved, the Commission shall express its reasons for this action which shall become part of the official record.
- (4) If approved as submitted or with conditions acceptable to the subdivider, then the final plat and supplementary material along with the record of the Commission proceedings shall be forwarded to the City Council for consideration. If approved by the City Council, the Director shall sign the final plat prior to its recording with the Recorder of Deeds of Phelps County.
- (5) If disapproved, the subdivider may appeal to the City Council within ninety (90) days after Commission action.

Procedure for Major Subdivision Approval

All land subdivision not otherwise classified as a minor subdivision shall be considered a major subdivision and subject to the procedures prescribed in this section.

- (1) **Sketch Plat:** The subdivider may submit a sketch plat and supporting information prior to the delivery of a preliminary plat. City staff shall review this material and provide input to the subdivider concerning design standards and improvement requirements.
- (2) **Preliminary Plat:** The subdivider shall submit five (5) copies of the preliminary plat with development plans to the Director who, upon determining that the preliminary plat is complete, shall place the application on the Commission's agenda. The Commission shall approve, conditionally approve, or disapprove the preliminary plat. In any case, a notation of the action taken, and the reasons therefore, shall be entered in the records of the Commission.

- ❖ If approved with modifications which are not acceptable to the subdivider or if disapproved, the subdivider may within ninety (90) days appeal the actions of the Commission to the City Council. No person shall present testimony to the City Council which is substantially and materially different from that presented to the Commission unless the party can demonstrate, with the approval of the Director, that the introduction of such evidence before the Commission was not in good faith reasonably possible at the time of the Commission meeting. If the Director does not make this determination, the matter shall be referred back to the Commission for their review with the new information or evidence if it is found to be substantially or materially different from what had been presented.
- (3) Effective Period of Preliminary Plat Approval:** The approval of a preliminary plat shall be effective for one (1) year. The final plat must be submitted for approval within the one (1) year period or become null and void, except that the Commission may extend the effective period in six (6) month increments with the written request by the subdivider justifying the extension. The approved submission of a partial or phased final plat for a portion of a preliminary plat area shall validate the remainder of the preliminary plat for a one (1) year period.
- (4) Final Plat:** The subdivider shall prepare a final plat together with development plans for the requisite public improvements, drawn under the supervision of a registered professional engineer and attested to by his signature and seal, all in accordance with applicable standards. The final plat shall be in substantial conformance to the approved preliminary plat. Five (5) copies plus one (1) original reproducible plat, including processing and recording fees, shall be submitted to the Director who shall determine its completeness and substantial conformity.

Computer source copies of the final plat prepared in Computer Assisted Drafting and Design (CADD) form that is compatible with the latest version of AutoCAD used by the City, shall be submitted to the City Engineer.

- ❖ The final plat and supporting material shall be reviewed by the Commission, along with any recommendations from the Director, City agencies or officials, to determine its substantial conformance to the preliminary plat. The Commission may recommend approval, conditional approval or disapproval of the plat. If conditional approval is recommended, the Commission shall express the conditions of such approval, or if disapproval is recommended, shall state its reasons therefore. This action and the reasons therefore shall be entered into the records of the Commission.
- ❖ The final plat shall be submitted to the City Council for their review. The City Council may accept the final plat with or without the conditions recommended, if any, by the Commission or may reject the final plat and supporting materials. If accepted by the City Council, the Director shall sign and record the plat after all other signatures have been obtained. If rejected, the Director shall attach a statement to the plat of the reasons for such action and return it to the subdivider.

Processing Fees

- ❖ The Director is hereby authorized to charge up to the amount established in this Section for processing subdivision and variance applications, as follows:
 - (1) Final Plat: \$100 for the first lot, plus \$ 2 per lot over one.
 - (2) Subdivision Variance: \$100
- ❖ Recording fees shall be collected as determined by the Recorder of Deeds for Phelps County.