
Sec. 94-44. - Subdivision review.

- a. *Conference with mayor.* Each subdivider of land should confer with the mayor, or his designee, before preparing a preliminary subdivision plan, in order to become thoroughly familiar with the subdivision requirements and with the proposals of the city plan affecting the territory in which the proposed subdivision lies.
- b. *Jurisdiction and procedures for approval of minor subdivisions.*
 1. Five copies of the plat, which shall be a scale drawing showing the development plan, shall be submitted to the department of community development and planning.
 2. A survey of the entire property to be split or subdivided, showing the existing buildings on the land shall be submitted to the department of community development and planning. This survey may be waived by the approving authority when its knowledge and information of the property permits.
 3. The planning and zoning administrator shall forward a copy of the plat to the city engineer and the building official.
 4. The city engineer, building official and planning and zoning administrator shall check the plat in relation to this chapter and all other applicable ordinances, regulations and codes of the city, and when found in conformance with this chapter and all other applicable ordinances, regulations and codes of the city, the plat shall be granted approval by the planning and zoning administrator. If disapproved, the applicant may forward such plat to the city planning board for further action.
 5. Upon approval of a plat of a minor subdivision, such plat shall be recorded by the applicant in the records of this county, and a copy of such record shall be forwarded to the building official, city engineer, city tax assessor and county tax assessor.
 6. At the time of filing an application for a minor subdivision plat, the applicant shall pay a fee for each minor subdivision plat requested to cover any charge and expense of the city therefor, which fee shall be set by the city commission by resolution.
- c. *Jurisdiction and procedures for approval of major subdivisions.*
 1. It shall be unlawful for any owner, agent or person having control of any land within the city to subdivide or lay out such land into more than four lots, unless by a plat, in accordance with the regulations contained in this chapter. Such plat shall first be submitted to the city planning board for approval or disapproval. After report and recommendation of the planning board is made and filed, such plats shall be submitted to the city commission for its approval or disapproval. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as provided in this section.
 2. The design and layout of all major subdivisions shall conform with the requirements of [ARTICLE XI](#) of this chapter. The subdivider shall submit a preliminary plan in accordance with the specifications of subsection (d) of this section. Following approval of the preliminary plan, the subdivider shall install the minimum improvements or furnish a bond or provide for guaranteeing such installations in accordance with the requirements of subsection (e) of this section. Upon approval of improvement installations or arrangements therefor, the final plat shall be submitted in accordance with the provisions of subsection (d) of this section.
 3. The city planning board is also authorized to approve major subdivision plats in any unincorporated area lying within three miles of the corporate limits of the city; provided that, the city planning board shall not consider any such plat until and unless a request for such consideration and action has been made to the board by an appropriate resolution adopted by the board of county commissioners of the county. Wherever a subdivision is located beyond the city limits, the board of county commissioners and the county highway engineer shall perform the appropriate functions of the city commission, the mayor and the city engineer required in this chapter.
 4. At the time of filing an application for a major subdivision plat within the city, the applicant shall pay a fee to cover any charge and expense of the city planning board, as well as charges and expenses of all other departments and city personnel, including the approval or disapproval before the city commission, which fee shall be set by the city commission by resolution.
- d. *Data required on preliminary and final plans.*

1. *Preliminary plan.* Whenever any person desires to subdivide land into building lots or to dedicate streets, alleys or land for public use, he shall submit three copies of the preliminary sketch plan conforming to the requirements of [ARTICLE XI](#) of this chapter to the planning board before submission of the final plan. Plats containing three lots or less may be exempted from the provisions of this section. The preliminary plan shall show:
 - a. The location of present property and section lines, boundaries of incorporated areas, streets, buildings, lakes and watercourses.
 - b. Any existing or proposed sanitary and storm sewers, water mains and culverts within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat.
 - c. The proposed location and width of streets, alleys, lots, building and setback lines and easements, and the proposed width and grade of street paving.
 - d. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.
 - e. The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land.
 - f. North point, scale and date.
 - g. The contours of the land, based on the city datum.
2. *Final plat.* The final plat on tracing cloth and four prints thereof, together with copies of any deed restrictions, where such restrictions are too lengthy to be shown on the plat, shall be submitted to the city commission. The final plat is to be drawn at a scale of not more than 100 feet to the inch from an accurate survey. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision of one sheet and the areas shown on other sheets. The final plat shall show:
 - a. The boundary lines of the area being subdivided, with accurate distances and bearings. The correct legal description of the property being subdivided shall be shown on the plat.
 - b. The lines of all proposed streets and alleys with their width and names.
 - c. The accurate outline of any portions of the property intended to be dedicated or granted for public use.
 - d. The lines of adjoining streets and alleys with their width and names.
 - e. All lot lines, together with an identification system for all lots and blocks.
 - f. The location of all building lines and easements provided for public use, services or utilities.
 - g. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other areas for public or private use. Linear dimensions are to be given to the nearest one-hundredth of a foot.
 - h. The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
 - i. The location of all survey monuments and bench marks, together with their descriptions.
 - j. The name of the subdivision, the scale of the plat, points of the compass and the name of the owner or subdivider.
 - k. The certificate of the surveyor, attesting to the accuracy of the survey and that permanent reference monuments have been established according to law.
 - l. Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
 - m. Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting or dedicating or easements required.

e. *Minimum improvements required for final plat approval.*

1. Receipt of the signed copy of the approved preliminary plan is authorization for the subdivider to proceed with the preparation of plans and specifications for the following minimum improvements and with the preparation of the final plat. Prior to the construction of any improvements required or to the submission of a bond in lieu thereof, the subdivider shall furnish the city engineer all plans, information and data necessary to determine the character of such improvements. These plans shall be examined by the city engineer and will be

approved if in accordance with the requirements of this section. Following this approval, construction can be started or the amount of bond determined.

2. No final or official plat of any subdivision shall be approved unless the improvements listed in the following subsections have been installed prior to such approval, or the subdivider shall file with the city commission a surety bond, cashier's check or a certified check upon a solvent local bank, conditioned to secure the construction of the improvements listed in the following subsections in a satisfactory manner and within a period specified by the city commission, such period not to exceed two years. No such bond or check shall be accepted unless it be enforceable by or payable to the city in a sum at least equal to the cost of constructing the improvements as estimated by the city engineer, and in form with surety and conditions approved by the city attorney.
 - a. *Street improvements.* All streets and public ways shall be graded to their full width, including side slopes, and to the appropriate grade, and shall be surfaced in accordance with applicable standard specifications of the city or county. Such construction shall be subject to inspection and approval by the city engineer.
 - b. *Sidewalks.* Concrete sidewalks shall be constructed along both sides of all streets; except, that it shall be within the discretion of the city commission, upon sufficient cause being shown, to waive the requirement of sidewalks on one side of the street in residential areas.
 - c. *Water lines.*
 1. Where an approved public water supply is reasonably accessible or procurable, each lot within the subdivision area shall be provided with a connection to such water supply. Fire hydrants shall also be installed in all subdivisions.
 2. In areas outside the city limits, pending availability of a public water supply, the subdivider shall construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. The water supply system shall be constructed under supervision of the county health officer and shall comply with all regulations of the state board of health.
 - d. *Sanitary sewers.*
 1. Where an adequate public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection to such sanitary sewer. All connections and the subdivision sewer system shall comply with regulations of the state department of health and shall be approved by the city engineer.
 2. Where sewers are not accessible and no plans for sewers have been prepared, the subdivider shall install individual sewage disposal devices for each lot. All such individual sewage disposal systems shall be constructed in accordance with regulations and requirements of the state department of health, and under the supervision of and approval by the county health officer.
 - e. *Drainage.* All necessary facilities, either underground pipe, canals or drainage ditches, shall be installed to provide adequate disposal of surface water and to maintain any natural watercourses.
 - f. *Street lights.* Street lights shall be so located as to illuminate the area adequately during hours of darkness.
- f. *Approval of plats prior to recordation; approval of subdivisions and streets prior to installation of public improvements.*
 1. No plat of any subdivision shall be entitled to record in the office of the clerk of the circuit court of this county or have any validity until it shall have been approved in the manner prescribed in this chapter.
 2. The city commission shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after February 9, 1953, unless such subdivision or street has been approved in accordance with the provisions contained in this chapter.

(Code 1979, § 33-24)