

## **SECTION 4 REVIEW AND ACTION**

### **Subdivision 1: APPROVAL OF SUBDIVISIONS REQUIRED**

Before any land is subdivided, the Owner of the property proposed to be subdivided must apply for and secure approval of the proposed subdivision in accordance with the procedures set out in this Ordinance.

### **Subdivision 2: SKETCH PLAT PROCEDURE**

Prior to filing a preliminary plat, the applicant may elect to prepare a sketch plat so that the applicant may become informed of the procedural requirements and minimum standards of this Ordinance and the requirements or limitations imposed by other City ordinances or plans. Sketch Plans may be submitted to staff and/or the Planning Commission. In order for the Planning Commission to review Sketch Plans, the applicant must submit the Sketch Plans at least ten (10) days before the next scheduled Planning Commission meeting. *Submission of a sketch plat, drawn to scale, shall not be considered an application for subdivision.*

### **Subdivision 3: ACTION ON PRELIMINARY PLAT**

1. **Application**. A person requesting approval of a preliminary plat or subdivision must fill out and submit to the City Clerk a Subdivision Application form, accompanied by the required fee and including the information required under Section 5 of this Ordinance.
2. **Application Deadline**. The City Clerk must receive completed applications at least ten (10) days prior to the Planning Commission's next scheduled meeting.
3. **Fees**. A fee the City Council shall establish by resolution must accompany the application. An additional fee may be charged for atypical projects, which in the opinion of the City Clerk will require additional staff time and/or City Expenditures. In such case, the applicant will be required to

reimburse the City for administrative time, professional services and costs incurred by the City.

4. **Public Hearing & Notice.** The City Clerk will set a date for the official public hearing.
  - A. **Published Notice.** The City will publish notice of the public hearing's time, place and purpose at least once in the City's official newspaper at least ten (10) days before the public hearing.
  - B. **Mailed Notice to Property Owners.** The City will also mail notice of the public hearing's time, place and purpose not less than ten (10) days and not more than thirty (30) days before the hearing date to all individual property owners within three hundred fifty (350) feet of the parcel included in the request. The City Clerk must attest and make a part of the proceeding's records a copy of the notice and list of the owners and addresses to which the notice was sent. A property owner's failure to receive notice or a defective notice shall not invalidate any proceedings.
5. **Referral to Planning Commission.** After the City Clerk has reviewed the application and the date has been set for the public hearing, the City Clerk shall refer the application to the Planning Commission, together with the City Clerk's review and recommendations regarding the application.
6. **Planning Commission Review.** The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council.
  - A. **Appearance by Applicant.** The applicant or the applicant's representative(s) must appear before the Planning Commission in order to answer questions concerning the Subdivision application or plat.
7. **Recommendation by the Planning Commission.** After reviewing the Subdivision application, the Planning

Commission will make a written recommendation to the City Council within forty-five (45) days after the City Clerk receives the application as to whether the City Council should approve or deny the application.

8. **City Council's Review**. Upon receiving the Planning Commission's report and recommendation, the City Council shall hold a public hearing on the matter and the City Council will, by resolution, either approve or deny the application.
  - A. **Appearance by Applicant**. The applicant or the applicant's representative(s) must appear before the City Council in order to answer questions concerning the Subdivision application or plat.
9. **Vote Required**. Approval of a plat or subdivision request will require passage by a majority of the votes cast.

#### **Subdivision 4: APPROVED PRELIMINARY SUBDIVISION**

In the event the preliminary subdivision approval is not entirely platted in final form (final platted) within one (1) year of approval, such preliminary subdivision shall become null and void unless it is resubmitted and approved by action of the Planning Commission and City Council.

#### **Subdivision 5: PREMATURE SUBDIVISIONS**

Any proposed subdivision requiring Council approval and deemed premature for development shall not be approved by the City. The burden of proof for items A thru G listed below is the developer's responsibility. Subdivision shall be deemed premature if any of the following conditions exist:

- A. Lack of adequate drainage.
- B. Lack of adequate water supply.
- C. Lack of adequate streets to serve the subdivision.

- D. Lack of adequate waste disposal systems.
- E. Inconsistency with the Comprehensive Plan.
- F. Lack of adequate public improvements.

Municipal utility services (water and sanitary sewer) are not available at the boundary and have not been ordered for installation to the boundary of a proposed plat.