

TITLE 11

CHAPTER 4

REVIEW AND PLAT REQUIREMENTS

ARTICLE A. MINOR SUBDIVISIONS

SECTION:

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11-4A-1: APPLICABILITY

The provisions of this article shall apply only to minor subdivisions. All other provisions of this title, including specifically the requirements for preparing and drawing site plans, final plats and covenants, as well as the standards for improvements within a subdivision, shall apply to minor subdivisions and all other provisions of this title shall remain in full force and effect as to regular subdivisions. (Ord. 16-3-96, 10-22-1996)

11-4A-2: DEFINITIONS

The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

- COMMISSION: Unless otherwise noted, shall refer to River Heights City planning commission.
- MINOR SUBDIVISION: Involves dividing a parcel of land into three (3) or less lots in which the subdivided lots are on a dedicated city street (parallel to the street), or in which the subdivided lots lay immediately behind the parcel of land being subdivided (perpendicular to the street) and involve either a dedicated street or nondedicated street (private lane).
- USE: Use of this article in subdividing a parcel of land into three (3) or less lots on a public street or laying immediately behind the lot being subdivided may be done with city council approval. (Ord. 16-3-96, 10-22-1996; amd. 2005 Code)

11-4A-3: PROCEDURE FOR APPROVAL

The procedure for obtaining approval of a minor subdivision shall be as follows:

- A. Qualification Conference:
1. The owner or agent of the owner of a parcel of land proposed to be divided into a minor subdivision (3 or less lots total) shall first meet with the commission to determine if the proposal meets with the definition of a "minor subdivision."
 2. Upon determination that the proposed development does qualify as a minor subdivision, the owner or agent may prepare and submit an application for approval of the minor subdivision.
- B. Application to Planning Commission:
1. The subdivider must complete and file an application with the planning commission at least two (2) weeks prior to the commission meeting at which the application would be considered.
 2. The following items shall be included or accompany the application:
 - a. Legal description of the proposed lots.
 - b. Site plan drawn to scale showing the layout of the proposed lots in relation to the existing roads, buildings, fences, topographical features of the property, utilities and utility easements, distances and dimensions of the proposed lots and other features, and any proposed improvements.
 - c. List of the names and mailing addresses of the property owners of all property within three hundred feet (300') of the proposed subdivision. (Ord. 16-3-96, 10-22-1996)
 - d. A nonrefundable application fee in such amount as established by resolution of the city council. (Ord. 16-3-96, 10-22-1996; amd. 2005 Code)
- C. Public Hearing: A public hearing will be held to obtain community input. In order to meet the requirements of state law, it is necessary for the subdivider to provide notice to the city at least two (2) weeks prior to the planning commission meeting in which the public hearing will be held. Eight (8) copies of the application site plan as described herein drawn to scale shall be submitted to the planning commission chairperson for consideration at the public hearing. (4-2010, 7-13-10)
- D. Initial Approval: The commission may approve, disapprove or modify the application and the requests contained therein based upon the planning policies of the city.
- E. Final Plat:
1. In lieu of a preliminary plat as required with a subdivision and upon the approval by the commission of the application for the minor subdivision, with or without modifications, the subdivider shall submit a final plat prepared by a registered land surveyor or certified engineer, which, upon the approval of the city engineer, shall be examined for approval by the commission.

2. Upon the recommendation of the planning commission, the final plat, together with any required modifications, shall be submitted to the city council for its approval or nonapproval.
3. Upon the approval of the city council, with or without modification, the final plat may then be recorded in the office of the county recorder.
4. The plat shall be recorded no more than one year after the date of approval unless an extension is granted by the city council.
5. Any waivers as to the requirements for improvements or any postponement of the obligation to complete such improvements must be specifically approved by the city council as a prerequisite to the approval and recording of the final plat.

F. Improvements:

1. Construction plans for the required improvements shall meet the standards of this title and shall be submitted to the city engineer for approval prior to the recording of the final plat.
2. No final plat shall be approved by the commission until the city engineer has signed the final contract in which the developer agrees to construct the required improvements as shown in the plat, construction plans and supporting documents. The improvements in said contract must be completed and approved before any building permit shall be issued for the construction of buildings upon the lots, unless waived or postponed by the commission and city council, with the conditions of waiver or postponement being specified in a written agreement between the developer and the city. (Ord. 16-3-96, 10-22-1996)

11-4A-4: REQUIRED IMPROVEMENTS

The following improvements shall be required for minor subdivisions:

A. Water Supply:

1. Culinary water rights and well drilling permits must be secured to accommodate the culinary needs of the proposed development, or approved arrangements made for the hookup of the minor subdivision to the city water system.
2. In addition to the culinary water supply, a plan for an adequate amount of water, and distribution thereof (fire hydrants) to fulfill fire protection requirements shall also be approved and developed. Where no domestic water source is proposed by the subdivider the words "no proposed domestic water source" shall appear on the final plat.

B. Sewage Disposal: The developer must provide for sewage disposal, including the possibility of a dry line sewer by connection with the city sewer system unless the city engineer deems it unreasonable, not feasible, or unnecessary, and the

planning commission and city council approve the waiver or postponement of the requirement for a wet or dry line sewer, with the conditions of such waiver or postponement being set forth in written agreement between the developer and the city. In cases where connections to the city sewer lines are not made, the developer must obtain a permit for each lot according to its capacity to support an individual septic tank and drain field system from the county health department.

- C. Storm Water Drainage: The developer must obtain an approval from the city engineer for the storm water drainage system impact to assure that any increase in storm water drainage will not flow from the minor subdivision to adjacent properties or irrigation ditches unless drainage easements have been first obtained from such property owners or relevant irrigation companies.
- D. Road Improvements: Streets which are interior and/or act as ingress/egress to minor subdivisions shall have a minimum width of twenty two feet (22') paved with six and one-half foot (6 1/2') graveled shoulders on each side, and a thirty five foot (35') right of way. On inner block developments (perpendicular to a dedicated city street), there must be adequate turnaround capacity on the dedicated streets to accommodate public safety and garbage collection vehicles. The standards for such roads shall be set forth in the other chapters of this title, unless specifically waived by the commission and upon the approval of the city engineer. The commission may waive any requirements as to the construction of roads which are not dedicated and are interior; provided, that all roads shall be shown on the plat and specifically that the words "this road is not dedicated" and "no public maintenance of this road" must appear on these streets as they appear on the final plat. The commission may waive any requirements. for curb, gutter and sidewalk. Construction of streets for minor subdivisions, unless waived, shall be governed by the same standards as apply to regular subdivisions.
- E. Fire Protection: The subdivider must provide and obtain approval of a fire protection system. The system must be based upon the recommendations of the fire marshal and approved by the city engineer, and may consist of either fire hydrants, water storage or such systems as would be approved by the fire marshal and city engineer. (Ord. 16-3-96, 10-22-1996)

11-4A-5: PROTECTIVE COVENANTS

Protective covenants shall be approved by the commission, together with the final plat, and approved thereafter by the city council. The covenants shall thereupon be recorded with the final plat of all minor subdivisions and shall include at least the following:

- A. A statement indicating that the developer must provide minimum fire protection as outlined in section 11-4A-4E of this article.
- B. A statement informing lot owners that the required improvements must be in place before any of the lots will be eligible for building permits;
- C. A statement informing lot owners that any further divisions of the improved lots will be prohibited;

- D. A description of those areas or easements to be designated for storm drainage and utilities;
- E. A statement indicating that the lot owners will be responsible for all road maintenance and services related to all interior roads which are not dedicated; and
- F. All nondedicated streets must be identified as such and remain the responsibility of the landowners. (Ord. 16-3-96, 10-22-1996)