

CHAPTER 151: SUBDIVISIONS

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The purpose of this Chapter is to regulate the subdividing of land within the City and immediate areas so that new additions will be integrated with the Comprehensive Plan, will promote orderly growth and will contribute to an attractive, stable, and wholesome community environment.

§ 151.02 GEOGRAPHIC JURISDICTION.

The area within the corporate limits of the City and the area extending two miles beyond its corporate limits, except within a township which has adopted subdivision regulations.

§ 151.03 LAND SUITABILITY.

(A) If the Council finds that the land to be subdivided is unsuitable for the proposed development due to high agricultural productivity, flooding, poor drainage, steep slopes, rock formations, or other conditions that may adversely affect the public, the Council may refuse to approve subdivision of the land unless adequate methods are found by the subdivider to alleviate the problem.

(B) The Council may refuse to approve what it considers scattered or premature subdivision of land by reason of a lack of adequate water supply, sewerage treatment, schools, roads, proper drainage, or other public services which would necessitate an excessive expenditure of public funds for the supply of such services.

(C) If the proposed subdivision is outside the corporate boundaries of the City and the County, Township or subdivider have not certified in writing that they will assume all responsibility for repair and maintenance of dedicated streets until annexed to the City; or the County or Township have not certified in writing that it has the capacity for and will provide police and fire protection and on-site sewer system inspections to insure proper installation, the Council may refuse to approve the subdivision.

§ 151.04 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) **ALLEY.** A public right-of-way usually 20 feet or less in width which normally affords a secondary means of vehicular access to abutting property.

(B) **ARTERIAL STREET.** A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between heavy traffic generating areas.

(C) **COLLECTOR STREET.** A street designed to distribute traffic between local and arterial street systems.

(D) **CUL-DE-SAC.** A short street having but one end open to traffic and the other end culminating into a vehicular turn around.

(E) **COMPREHENSIVE PLAN.** The general plan for land use, housing and transportation, including the series of maps, reports, statement of goals, objectives and criteria adopted by the Council to designate longrange orderly growth and development of the City.

(F) **HALF STREET.** A street having only one-half of its intended street width within the platted area.

(G) **LOCAL STREET.** A street intended to serve primarily as an access to abutting properties.

(H) **LOT.** A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat or other accepted means and separated from other parcels or portions by the description and which is of sufficient size to meet zoning requirements.

(I) **PLAT.** A map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Commission and Council for approval.

(J) **SUBDIVISION.** The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land, provided that:

(1) A division of land for agricultural purposes into lots or parcels of five acres or more and 300 feet of width or more and not involving a new street shall not be deemed a subdivision;

(2) The parcel is co-extensive with a separate parcel of record at the effective date of this Chapter;

(3) An agreement to convey such a parcel has been entered into prior to the effective date of this Chapter and the instrument showing the agreement to convey is recorded in the office of the Pennington County Recorder within one year thereafter; and

(4) The parcel is co-extensive with a lot unit or units described with reference to a plat or auditor's subdivision duly filed and of record in the office of the Pennington County Recorder prior to the effective date of this Chapter.

(K) *SUBDIVISION*. This term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

§ 151.05 PUBLIC LAND DEDICATION.

All new subdivisions or subdivisions that are rezoned to Residential shall dedicate for public use as playgrounds at least five percent of the gross area of all land in the subdivision which is zoned Residential. The five percent is in addition to the land dedicated for streets or other public ways. In the event the location or size of the land to be dedicated does not conform to the Comprehensive Plan or to other development objectives for the subject area, the Council may require a cash payment to be used for other park or playground purposes. This Section shall not apply to subdivisions during such time that the subdivisions are subject to § 152.028(D).

§ 151.06 CONVEYANCE BY METES AND BOUNDS.

(A) No conveyance of land shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat unless the parcel described in the conveyance:

- (1) Was a separate parcel of record on June 15, 1977;
- (2) Was the subject of a written agreement to convey entered into prior to June 15, 1977;
- (3) Was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1966;
- (4) Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980;
- (5) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width; or

(6) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(B) Building Permits shall be withheld for structures on parcels which have been subdivided and conveyed in violation of this Section, and the City may refuse to accept title or jurisdiction to streets within the parcels or to improve, repair, or maintain any such parcels.

(C) A waiver of the restrictions in this Section may be sought from the City.

PLAT PRESENTATION

§ 151.20 GENERAL PROCEDURES.

The following procedures shall be followed in the administration of this Chapter, and no land within the jurisdiction of this Chapter shall be subdivided and offered for sale or a plat recorded until a pre-application meeting has been held and a Preliminary Plat and a Final Plat of the proposed subdivision have been reviewed by the Planning Commission and its technical assistants and until the Final Plat has been approved by the Council as set forth in the procedures provided herein. Plans of group developments for housing, commercial, industrial, or other uses or for any combination of uses designed for sale or rental purposes shall be presented in the same manner as other plats for the review of the Planning Commission and the approval of the Council.

§ 151.21 PRE-APPLICATION MEETING.

Prior to the submission of any plat for consideration by the Planning Commission, the subdivider shall meet with the Commission, or any individual to whom the Commission may delegate this responsibility, to introduce the subdivider as a potential subdivider and learn what shall be expected of the subdivider in such capacity and to determine the relationship of subdivider's proposed subdivision with the Comprehensive Plan for the affected area.

§ 151.22 PRELIMINARY PLAT APPROVAL.

(A) The subdivider shall engage a registered land surveyor to prepare a Preliminary Plat of the land to be subdivided.

(B) The subdivider shall submit 12 copies of the Preliminary Plat, including one 11" x 17" copy, to the Zoning Administrator with a filing fee at least 14 days prior to the Planning Commission meeting at which the Preliminary Plat is to be considered. The filing fee shall be \$300.00.

(C) The Zoning Administrator shall submit two copies each of the Preliminary Plat to the Public Works Director, Public Utilities Director, and Parks and Recreation Director no later than five days after its receipt.

(D) The Zoning Administrator shall submit two copies of the Preliminary Plat for review to the following when applicable:

(1) To the Pennington County Engineer and/or the Marshall County Engineer or the District Engineer of the Minnesota Department of Transportation when the proposed plat is adjacent to county or state streets.

(2) To the Commissioner and Area or Regional Hydrologist of the Minnesota Department of Natural Resources when the proposed plat lies within shoreland or wetlands.

(E) The Public Works Director shall review the Preliminary Plat and shall, having incorporated the comments from the Public Utilities Director and the Parks and Recreation Director, transmit a report of the Public Works Director's reaction, together with any supporting material to the Zoning Administrator seven days prior to the hearing at which the Preliminary Plat is to be considered by the Planning Commission.

(F) The Zoning Administrator shall submit one copy each of the Preliminary Plat and of the review checklist to which shall be attached comments received from the Public Works Director, county or state engineers, and the Minnesota Department of Natural Resources to each member of the Planning Commission no later than five days prior to the hearing at which the Preliminary Plat is to be considered.

(G) The Planning Commission may require qualified technical services, such as land planning and legal, to review the Preliminary Plat and advise on its suitability regarding general planning, conformity with plans of other private and public organizations and agencies, adequacy of proposed water supply, sewage disposal, drainage and flood control, and other features. The subdivider may be required to pay the cost of the services.

(H) The Planning Commission shall, following due public notice, conduct a hearing to review the Preliminary Plat, considering the reports of the Public Works Director and others who have reviewed the Preliminary Plat, technicians, if applicable, and shall either reject, approve subject to revision or recommend that the City Council approve the Preliminary Plat. If disapproved, the Planning Commission shall set forth the grounds for such refusal in its proceedings and shall transmit them to the subdivider.

(I) The Zoning Administrator shall submit the recommendation of the Planning Commission along with the Preliminary Plat and any reports to the Council within five days following the Planning Commission's hearing. The Council shall review the Preliminary Plat, considering the reports of the Public Works Director and others, if applicable, and shall either reject, approve subject to revision or approve the Preliminary Plat within 120 days of submittal of the complete

Preliminary Plat to the Zoning Administrator. If disapproved, the Council shall set forth the grounds for such refusal in its proceedings and shall transmit them to the subdivider. If approved, the design is thereby accepted as a basis for the preparation of the Final Plat.

(J) Within five days of acceptance of the Preliminary Plat by the Council, the Zoning Administrator shall submit the Preliminary Plat to Division Directors, Department Supervisors and utilities companies for review and comments requesting that they be returned within 15 days.

(K) The Zoning Administrator shall transmit revisions requested by the Planning Commission, Council, Division Directors, Department Supervisors, utilities companies, and others to the subdivider requesting that they be incorporated into the Final Plat.

Amended: Ordinance No. 27, 3rd Series

§ 151.23 FINAL PLAT APPROVAL.

(A) The subdivider shall engage a registered land surveyor to prepare a Final Plat which shall constitute that portion of the Preliminary Plat which the subdivider proposes to record and develop at that time.

(B) The subdivider shall submit six copies of the Final Plat, including one 11" x 17" copy, to the Zoning Administrator at least 14 days before the Planning Commission meeting at which the Final Plat is to be considered. The Final Plat shall be submitted within one year of Preliminary Plat approval; otherwise, the approval shall become null and void. In the event the Preliminary Plat is not entirely platted in final form within five years of approval, the Preliminary Plat shall be re-submitted to the Planning Commission for its review and action, otherwise the initial approval shall be considered null and void.

(C) The Zoning Administrator shall submit two copies each of the Final Plat to the Public Works Director, Director of Utilities, and Parks and Recreation Director no later than five days after its receipt.

(D) The Public Works Director shall review the Final Plat and shall, having incorporated the comments from the Director of Utilities and the Parks and Recreation Director, transmit a report of the Public Works Director's reaction, together with any supporting material, to the Zoning Administrator seven days prior to the hearing at which the Final Plat is to be considered by the Planning Commission.

(E) The Zoning Administrator shall submit one copy of the Final Plat to which shall be attached comments received from the Public Works Director, City Division Directors, Department Supervisors, and utilities companies and, if applicable, from county or state engineers and the Department of Natural Resources, which have been incorporated into the Final Plat, to each member of the Planning Commission no later than five days prior to the meeting at which the Final Plat is to be considered.

(F) The Planning Commission shall study the Final Plat, considering the reports and comments received from the Public Works Director, other City Divisions, utilities companies and, if applicable, from county or state engineers and the Department of Natural Resources and then shall transmit its action to the Council within 45 days of submittal of the Final Plat to the

Zoning Administrator.

(G) The Council shall act upon the Final Plat within 60 days submittal of the complete Final Plat to the Zoning Administrator, whereupon the Zoning Administrator shall notify the subdivider of the Council's action.

(H) The subdivider shall deliver the approved Final Plat to Zoning Administrator for execution by the City and the subdivider shall record the Final Plat with the Pennington County Recorder within 60 days of Final Plat approval; otherwise, the approval shall be considered null and void.

(I) The subdivider shall furnish a duplicate transparency, one paper print and a digital file compatible with the City's Geographic Information System of the Final Plat, as recorded, to the Zoning Administrator.

§ 151.24 GENERAL REQUIREMENTS.

Information required to be shown in or submitted with Preliminary and Final Plats shall be as set forth in §§ 151.25 and 151.26.

§ 151.25 PRELIMINARY PLAT DATA.

The Preliminary Plat shall contain, at a minimum, the following in order to be considered complete.

(A) *Identification and description.*

(1) Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat heretofore recorded in Pennington or Marshall County.

(2) Location by Section, town, range, or by other legal description.

(3) A vicinity map.

(4) Total approximate acreage.

(5) Names and addresses of the owner, subdivider, surveyor, and designer of the Plat.

(B) *Existing conditions in the parcel and in surrounding land to a distance of 300 feet.*

(1) Boundary line of proposed subdivision, clearly indicated.

(2) Platted streets, county and state streets rights-of-way, railroads rights-of-way, and utility easements.

(3) All easements of record, block and lot lines, and ownership of adjoining platted lands.

(4) All easements of record, boundary lines, and ownership of adjoining unsubdivided land.

(5) Sewer lines, water lines, culverts, and other underground facilities.

(6) Permanent buildings and structures.

(7) 100 year flood contours and elevations shall be indicated, where applicable.

(8) Any channel, creek, lake, river, stream, or wetland abutting or lying wholly or partially within the plat shall be labeled as such and shall have its edge delineated.

(9) Other information, such as soil tests and contours, if requested by the Planning Commission or Council to aid in review.

(C) *Subdivision design features.*

(1) Layout and width of proposed streets and utility easements showing street names, lot dimensions, parks, and other public areas. The street layout shall include all contiguous land owned or controlled by the subdivider.

(2) Proposed use of all parcels, and, if zoning change is contemplated, proposed rezoning.

(D) *Plan of the Entire Area.* Where a parcel of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission may request preparation of a "Plan of the Entire Area," the Plan to be used by the Planning Commission to aid in judging the proposed plat.

(E) *Additional information required in shoreland.*

(1) The surface water features required in M.S. § 505.02, Subd. 1.

(2) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.

(3) Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations, and proposed methods for controlling construction activities.

(4) Location of 100-year flood plain areas.

(5) Lines or contours representing the ordinary high water level, the "toe" and the "top" of bluffs and the minimum building setback distances from the river, tributary, streams, and the top of the bluff.

§ 151.26 FINAL PLAT DATA.

The Final Plat shall contain, at a minimum, the following in order to be considered complete:

- (A) Identification and description data;
- (B) Boundaries of the subdivision, street and alley lines, names of all streets and alleys, with their widths, and boundaries of any other areas intended for public use;
- (C) All lot lines and easements, with figures showing their dimensions;
- (D) An identification system for all lots and blocks;
- (E) Block and lot lines and utility easements on adjoining platted lands;
- (F) Lines of adjoining streets and alleys, with their widths and names;
- (G) Data required by Minnesota Statutes, including, but not limited to, accurate angular and linear dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alleys, easements, and other important features;
- (H) Certification by the Chairperson and Secretary of the Planning Commission of City;
- (I) Certification by the Mayor and City Administrator for the City of Thief River Falls, Minnesota; and,
- (J) Such other information as requested by the City resulting from the review of the Preliminary and Final Plats.

DESIGN STANDARDS; REQUIRED IMPROVEMENTS**§ 151.40 GENERAL DESIGN STANDARDS.**

Generally, design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the City's development objectives for the entire area and with the Comprehensive Plan.

§ 151.41 CIRCULATION.

(A) *General street design.*

(1) The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, and to the proposed uses of the area to be served.

(2) Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.

(3) Where adjoining lands are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the unsubdivided land.

(B) *Street width and grades.*

(1) The following standards of street design shall be observed by the subdivider.

<i>Street Category</i>	<i>Minimum Width Right-of-Way</i>	<i>Minimum Width of Improved Surface</i>	<i>Longitudinal Grade</i>
Arterial	70 feet	44 feet	0.2%
Collector	60 feet	40 feet	0.2%
Local	50 feet	36 feet	0.2%

(2) If the street is to be improved with ditches parallel to the street and/or without curb and gutter, the minimum width of the right-of-way shall be 70 feet and the minimum width of the improved surface shall be 24 feet.

(C) *Cul-de-sacs.* Each cul-de-sac shall be provided at the closed end with a turn around having a minimum outside street diameter of 100 feet and a minimum street property line diameter of 120 feet.

(D) *Local streets.* Local streets shall be so aligned that their use by through traffic will be discouraged.

(E) *Street jogs.* Street jogs with center line offsets of less than 125 feet shall be avoided.

(F) *Street intersections.* Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than 60 degrees. It must be evidenced that safe and efficient traffic flow is encouraged. No more than four streets shall enter any intersection.

(G) *Half streets.* Half streets shall be prohibited except where the Council finds it to be practicable to require the dedication of the other half when the adjoining land is subdivided.

(H) *Street names.* Proposed streets obviously in alignment with existing and named streets shall bear the names of the existing streets. In no case shall the name of the proposed street duplicate existing street names, including phonetic similarities.

(I) *Private streets.* Public improvements shall not be approved for any private street.

(J) *Access to arterial and collector streets.*

(1) Where a proposed plat is adjacent to a major street, the Council may require the subdivider to provide frontage streets along the right-of-way of such facilities or they may require that lots should back on streets, in which case, vehicular and pedestrian access between the lots and streets shall be prohibited.

(2) Where a proposed plat is adjacent to an arterial or collector street, as designated by the Comprehensive Plan or as indicated by the City's Municipal State Aid Street System, spacing between access points to the streets of less than 660 feet for collectors and 1,320 feet for arterials shall be avoided except where impractical or impossible due to existing land divisions or topography.

(K) *Corners.* Curb lines at street intersections shall be rounded at a radius of not less than 12 feet.

(L) *Residential alleys.* Alleys shall be prohibited unless special permission is granted by the Council for their provision.

(M) *Hardship to owners of adjoining property.* The street arrangement shall not be such as to cause hardship to owners of adjoining land in platting their own land and providing convenient access to it.

§ 151.42 EASEMENTS.

(A) *Utilities.* Easements at least ten feet wide centered, overlapping, or adjacent to lot lines shall be provided for utilities where necessary. Easements for water lines or storm or sanitary sewer lines shall be at least 20 feet wide. Easements containing or proposed for more than one utility over six feet in depth shall be at least 30 feet wide. Wider permanent easements or temporary construction easements may be required where installation depths are greater than ten feet. Easements shall have continuity of alignment from block to block. Utility easements shall be kept free of any vegetation and structures which would interfere with the free movement of utility service vehicles.

(B) *Water courses.* When a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses and with such further width or

construction as may be determined to be necessary by the Public Works Director.

§ 151.43 BLOCKS.

(A) *Length.* Block lengths shall not exceed 1,200 feet.

(B) *Pedestrian walkways.* In blocks longer than 600 feet, a pedestrian crossway with a minimum right-of-way of 20 feet shall be required near the center of the block. Additional access ways to schools, parks, and other destinations shall be provided if requested by the Planning Commission at the time of Preliminary Plat review.

§ 151.44 LOTS.

(A) *Layout.* Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel local streets shall be prohibited.

(B) *Size and dimension.* Minimum lot area and lateral dimensions shall be as set forth in Chapter 152.

(C) *Corner lots.* Corner lots shall be platted at least ten percent wider than the minimum lot width required.

(D) *Natural features.* In the subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development and which may alter normal lot platting.

(E) *Lot access to streets.* The City shall determine the location of access from lots to streets. There shall be no direct vehicular access from residential lots to arterial streets and such access to collector streets shall be avoided where possible. Residential lots shall be separated from highways, arterial streets and railroads rights-of-way by a 25-foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the streets or railroads rights-of-way.

(F) *Lot remnants.* Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.

§ 151.45 GENERAL REQUIRED IMPROVEMENTS.

Improvements shall be made in all subdivisions according to the requirements set forth in §§ 151.46 through 151.54.

§ 151.46 MAKING OF IMPROVEMENTS.

Unless otherwise stated below or in a written agreement between the subdivider or developer and City, all of the required improvements shall be made by City forces or under specifications and construction contracts entered into by the City.

§ 151.47 MONUMENTS.

Steel monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shown on the Final Plat. The installation shall be done by a registered land surveyor and shall be the subdivider's expense and responsibility. Subdividers are encouraged to have steel guard posts placed next to all monuments for their protection and future relocation. All federal, state, county or other official benchmarks, monuments, or triangulation stations in or adjacent to the land shall be preserved in precise position.

§ 151.48 STREETS.

(A) Grading. Streets shall be graded to the full width of the right-of-way in accordance with street grades as established by the Public Works Director. Grading will be complete prior to installation of applicable underground utilities, either private or public. Gravel base construction shall not be undertaken until underground utilities have been installed.

(B) Curb and gutter and surfacing. Following street grading, utilities installations, and gravel base construction and at such time as directed by the Public Works Director and approved by the Council, concrete curbs and gutters and bituminous or concrete surfaced streets shall be constructed.

§ 151.49 UTILITIES.

All utilities, whether private or public, shall be installed underground so as to enhance the visual appearance of the area, unless special permission is otherwise granted by the Council. Where utilities are to be installed in street or alley rights-of-way, the installations shall take place prior to street surfacing. Water and sanitary sewer service lines shall be laid from the lateral mains to the property line ending at the curb stop and box.

(A) Sanitary sewer. Sanitary sewer facilities adequate to serve the subdivision shall be installed and shall meet federal and state requirements and the requirements of the master plan for the sanitary sewer collection system of the City.

(B) Water supply. Water distribution facilities adequate to serve the subdivision shall be installed and shall meet the federal and state requirements and the requirements of the master plan for the water distribution system of the City.

(C) *Other utilities.* Installation of cable television, natural gas, telephone, and other utilities not mentioned in this Section shall be the responsibility of the subdivider.

§ 151.50 DRAINAGE FACILITIES.

Storm sewer and/or other surface drainage facilities shall be installed for the proper drainage of surface waters.

§ 151.51 SIDEWALKS.

Sidewalks, if required by the Council, shall be constructed in accordance with specifications on file with the Public Works Director.

§ 151.52 ELECTRICAL SERVICE.

Electrical service for the subdivision shall be installed by the City as directed by the Director of Utilities. Electrical service installation shall be in accordance with the City's installation rules and standards for electrical service.

§ 151.53 FINANCING.

The developer shall be required to pay for all or a portion of the above required improvements on the following basis:

(A) *Sanitary sewers.* Benefit rates will be based on the total cost of constructing the sanitary sewer necessary to serve the development site together with any area or district wide benefits for prior construction for which the City may have paid. Any oversizing of sewers or depths greater than that required to serve the site will be paid for by the City or will be assessed on an area basis;

(B) *Water mains.* Benefit rates will be based on the total cost of constructing water mains to serve the development site. In the case of residential developments, the benefit rate will be based on the total cost of constructing a six-inch water main, including hydrant installation at normal spacing, with the City paying the cost of gate valves and any pipe oversizing necessary to serve additional areas beyond the proposed site;

(C) *Storm drainage.* Benefit rates will be based on the cost of constructing storm sewers necessary to provide adequate drainage of the development site. City participation, if any, will be considered on an individual basis;

(D) *Streets.* The costs of street improvements are to be paid by developer in accordance with City policies existing at the time work is commenced; and

(E) *Electrical service.* The developer shall be required to pay for the construction of electrical service in accordance with the City's installation rules and standards for electric service.

§ 151.54 REVIEW AND INSPECTION.

The developer shall pay for all costs incurred by the City for subdivision review and inspection. This includes preparation and review of plans and specifications by technical assistants and costs incurred by the City Attorney, as well as other costs.

ADMINISTRATION AND ENFORCEMENT

§ 151.65 BUILDING PERMIT.

No Building Permit shall be issued by any governing official for the construction of any buildings, structures or improvement on any land henceforth subdivided until all requirements of this Chapter have been fully complied with.

§ 151.66 VARIANCES.

(A) *Criteria for granting Variances.* The Council shall have the power to vary from the requirements of this Chapter when supporting evidence indicates that:

(1) Because of the particular physical surroundings, shape, or topographic conditions of the land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(2) The conditions upon which the petition for a Variance are based are unique to the parcel of land for which the Variance is sought and are not applicable, generally, to other land with the same zoning classification;

(3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

(4) The alleged difficulty or hardship is caused by the provisions of this Chapter and has not been created by any persons presently or formerly having an interest in the parcel of land;

(5) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located; and

(6) The proposed variance will not substantially increase congestion of the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the vicinity.

(B) Conditions. Conditions may be imposed to protect the health, safety, morals and general welfare of the City to any new or amended Variance. The conditions shall be in addition to the requirements specified in this Chapter.

(C) Procedure.

(1) Persons applying for a Variance shall fill out a variance application prepared by the Zoning Administrator and submit it to the Zoning Administrator, together with a \$50 fee. The person shall also submit exhibits deemed necessary by the Zoning Administrator to evaluate the application.

(2) The Zoning Administrator shall transmit the application for variance and exhibits to the Planning Commission for public hearing.

(3) A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City at least ten days prior to the day of hearing.

(4) A notice of the time, place, and purpose of the hearing shall be mailed at least ten days before the day of the hearing to property owners within 350 feet of the property to which the variance relates. Notice shall be in writing, mailed by first class mail, to be effective on the date of mailing. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this provision has been made.

(5) The Planning Commission shall hold a public hearing on the proposed Variance.

(6) Persons requesting a Variance shall appear at the public hearing in order to answer questions.

(7) The Planning Commission shall report its recommendation of approval, disapproval, or conditional approval of the proposed variance to the Council.

(8) The Council shall take action on the application for variance within 60 days after receipt of the application. The Council may extend the time limit before the end of the initial 60 day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant. The Council may approve, disapprove, or conditionally approve a proposed Variance.

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