

Amended by
Ordinance 68-572

ORDINANCE NO. 518

AN ORDINANCE PROVIDING SUBDIVISION AND OTHER LAND PARTITIONING STANDARDS AND PROCEDURES.

THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Definitions. As used in this ordinance the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

- (1) Building line. A line on a plat indicating the limit beyond which building or structures may not be erected.
- (2) Development plan. Any plan adopted by the planning commission for the guidance or growth and improvement of the city, including modifications or refinements which may be made from time to time.
- (3) Easement. A grant of the right to use a strip of land for specific purposes.
- (4) Lot. A parcel of land intended as a unit for transfer of ownership or for development.
 - (a) Reversed corner lot. A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
 - (b) Through lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- (5) Pedestrian way. A right of way for pedestrian traffic.
- (6) Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.
- (7) Planning commission. The planning commission of the city.
- (8) Plat. The map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record.
- (9) Right of way. The area between boundary lines of a street or other easement.
- (10) Roadway. The portion or portions of a street right of way developed for vehicular traffic.

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(11) Sidewalk. A pedestrian walkway with permanent surfacing to city standards.

(12) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the terms "road," "highway," "lane," "place," "avenue," "alley," or other similar designations.

(a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(b) Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

(c) Collector. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.

(d) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a vehicle turn-around.

(e) Half street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

(f) Marginal access street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(g) Minor street. A street intended exclusively for access to abutting properties.

(13) Subdivide land. To partition a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning.

(14) Subdivision. Either an act of subdividing land or a tract of land subdivided as defined in this section.

Section 2. Scope of Regulations. All subdivision plats and all streets or ways created for the purpose of partitioning land shall be approved by the planning commission in accordance with these regulations. A person desiring to subdivide land or desiring to partition land by creation of a street or way, shall submit preliminary plans and final documents for approval as provided in this ordinance and the state law.

Section 3. Tentative Subdivision Sketch. A subdivider shall submit a sketch to the superintendent of public works of a tentative scheme for the layout of property to be subdivided. Following preliminary consultation and discussion, the subdivider may proceed to prepare a preliminary plat for submission to the planning commission.

Preliminary Plat

Section 4. Submission of Preliminary Plat. The subdivider shall prepare a preliminary plat together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit five copies of the preliminary plat to the city recorder's office at least 10 days prior to the planning commission meeting at which consideration of the plat is desired.

Section 5. Scale. The preliminary plat shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet.

Section 6. General Information. The following general information shall be shown on the preliminary plat:

- (1) Proposed name of the subdivision. This name must not duplicate or resemble the name of another subdivision in the county and shall be approved by the planning commission.
- (2) Date, northpoint, and scale of drawing.
- (3) Appropriate identification clearly stating the map is a preliminary plat.
- (4) Location of the subdivision with a tie to the city coordinate system and a description sufficient to define the boundaries of the proposed tract.
- (5) Names and addresses of the owner, subdivider, and engineer or surveyor.

Section 7. Existing Conditions. The following existing conditions shall be shown on the preliminary plat:

(1) The location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right of way, and other important features, such as section lines and corners, city boundary lines, and monuments.

(2) Contour lines related to the U. S. Geological Survey datum and having the following minimum intervals:

(a) One-foot contour intervals for ground slopes less than 5 per cent.

(b) Two-foot contour intervals for ground slopes between 5 and 10 per cent.

(c) Five-foot contour intervals for ground slopes exceeding 10 per cent.

(3) Location of at least one temporary bench mark.

(4) Location and direction of all water courses and areas subject to flooding.

(5) Natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.

(6) Existing uses of the property, including location of all existing structures to remain on the property after platting.

(7) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and electric lines proposed to service the property to be subdivided.

(8) Zoning on and adjacent to the tract.

Section 8. Proposed Plan of Land Partitioning. The following information shall be included on the preliminary plat:

(1) Streets showing location, width, names, and approximate grades. The relationship of all streets to any projected streets as shown on any development plan adopted by the planning commission or, if there is no complete development plan, as suggested by the superintendent of public works to assure adequate area traffic circulation.

(2) Easements, showing width and purpose.

(3) Lots, showing approximate dimensions, minimum lot sizes, and proposed lot and block numbers.

(4) Sites, if any, allocated for purposes other than single-family dwellings.

Section 9. Partial Development. Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the planning commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

Section 10. Explanatory Information with Preliminary Plat. The following information shall be submitted in separate statements accompanying the preliminary plat or, if practicable, shall be shown on the preliminary plat:

(1) A vicinity map, showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets may be extended to connect the existing streets.

(2) Proposed deed restrictions in outline form.

(3) Improvements to be requested of the city and the approximate time such request will be made.

(4) Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this ordinance, state laws, and other applicable city ordinances. If, however, the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted at least 30 days prior to the time of requesting approval of the final plat. Agreements on any recommended changes shall be obtained prior to approval of the final plat.

Section 11. Preliminary Review of Proposal. Within two days after being submitted by the subdivider, the city recorder shall furnish one copy of the preliminary plat and supplemental material to the superintendent of public works, the county surveyor, and the state highway department provided development is adjacent to a state highway. The county and state agencies will be given at least five days to review the plan, suggest revisions, and return the plans to the recorder's office.

Section 12. Tentative Approval of Preliminary Plat. Within 40 days from the first regular planning commission meeting following submission of the plat, the planning commission will review the plan and the reports of the agencies listed above and may give tentative approval of the preliminary plat as submitted or as

it may be modified or, if disapproved, shall express its disapproval and its reasons therefor. Approval of the preliminary plat shall indicate the planning commission's approval of the final plat provided there is no change in the plan of subdivision as shown on the preliminary plat and there is full compliance with all requirements of this ordinance. The action of the planning commission shall be noted on two copies of the preliminary plat, including reference to any attached documents describing any conditions. One copy shall be returned to the subdivider and the other retained by the planning commission.

Final Plat

Section 13. Submission of the Final Plat. Within six months after tentative approval of the preliminary plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a final plat prepared in conformance with the preliminary plat as tentatively approved. The subdivider shall submit the original drawing, the tracing, and five prints of the final plat and any supplementary information to the city recorder. If the subdivider wishes to proceed with the subdivision after the expiration of the six-month period following the tentative approval of the preliminary plat by the planning commission, he must resubmit his preliminary plat to the planning commission and make any revision considered necessary to meet changed conditions.

Section 14. Information on Final Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:

- (1) The date, scale, northpoint (generally pointing up), legend, and controlling topography such as creeks, highways, and railroads.
- (2) Legal description of the tract boundaries.
- (3) Name and address of the owner, subdivider, and engineer or surveyor.
- (4) Reference points of existing surveys identified, related to the plat by coordinates or distances and bearings, and referenced to a field book or map as follows:

- (a) All stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
- (b) Adjoining corners of all adjoining subdivisions.
- (c) City coordinate system lines within or adjacent to the plat.
- (d) Whenever the city or county has established the center line of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.

(e) All other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.

(5) The coordinates, based on the city coordinate system, of the initial point of the subdivision traverse, exterior boundary monuments, and street center line monuments.

(6) The exact location and width of streets and easements intersecting the boundary of the tract.

(7) Lines with dimensions, bearings, or deflection angles, radii, arcs, points of curvature, and tangent bearings for tract, lot, and block boundaries, and street right of way and center lines. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. All distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

(8) The width of the portion of streets being dedicated, the width of any existing right of way and the width each side of the center line. For streets on curvature, curve data shall be based on the street center line and in addition to center line dimensions the radius and central angle shall be indicated.

(9) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If any easement is not definitely located of record, a statement of the easement. The width of the easement, its length and bearing, and sufficient ties to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(10) Lot numbers beginning with the number "1" and numbered consecutively in each block.

(11) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

(12) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale.

(13) Building setback lines, if any are to be made a part of the subdivision restrictions.

(14) The following certificates which may be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map.

(b) A certificate signed and acknowledged by all parties as above, dedicating all parcels of land shown on the final map and intended for any public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.

(c) A certificate signed by the engineer or the surveyor responsible for the survey and final map; the signature of the engineer or surveyor to be accompanied by his seal.

(d) Provisions for all other certifications now or hereafter required by law.

Section 15. Supplemental Information with Final Plat. The following data shall accompany the final plat:

(1) A preliminary title report, issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

(2) Sheets and drawing showing the following:

(a) Traverse data showing the error of closure, if any.

(b) The computation of all coordinates, distances, angles, and courses shown on the final map.

(c) Ties to existing monuments, proposed monuments, adjacent subdivisions, and street corners.

(3) A copy of any deed restrictions applicable to the subdivision.

(4) A certificate by the superintendent of public works certifying that the subdivider has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the planning commission giving conditional approval of the preliminary plat.

(9) An agreement has been executed as provided in Sections 18 and 19 to assure completion of all required improvements.

Section 16. Technical Review. Upon receipt by the City, the final map and other data shall be reviewed by the superintendent of public works who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plat and that there has been compliance with provisions of the law and of this ordinance. The city may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and the city's representatives may enter the property for this purpose. If the superintendent of public works determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. The superintendent of public works shall use the certification of the city engineer, city surveyor, or the county surveyor in determining if the map and the survey are technically correct.

Section 17. Approval of Final Plat. Upon receipt of the final plat with the approval of the superintendent of public works, the planning commission shall determine whether it conforms with the approved preliminary plat and with these regulations. If the planning commission does not approve the plat, the commission shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the planning commission determines that the plat conforms to all requirements, the commission shall approve the plat provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of the planning commission. The approval of the final plat by the planning commission does not constitute or effect an acceptance by the public of the dedication of any street or other easement or way shown on the plat.

Section 18. Agreement for Improvements. Before planning commission approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the city recorder an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not

completed within the period specified, the city may complete the work and recover the full cost and expense from the subdivider. The agreement shall also provide for reimbursement of the city for the cost of inspection by the city which shall not exceed 5 per cent of the cost of the improvements to be installed.

Section 19. Bond.

(1) The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

(a) A surety bond executed by a surety company authorized to transact business in the state of Oregon in a form approved by the city attorney.

(b) Cash.

(2) Such assurance of full and faithful performance shall be for a sum approved by the superintendent of public works as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of city inspection.

(3) In the event the subdivider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the bond or cash deposit shall be forfeited and the money shall be paid to the city to defray its costs. If the amount of the bond or cash deposit exceeds cost and expense incurred by the city, the city shall release the remainder and, if the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.

Section 20. Filing of Final Plat. The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required approving signature has been obtained.

Approval of Streets and Ways

Section 21. Creation of Streets.

(1) The creation of streets shall be in conformance with requirements for subdivision except, however, the planning commission shall approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

(a) The establishment of the street is initiated by the city council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

(b) The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

(c) The tract in which the street is to be dedicated is an isolated ownership of a size and with special existing physical conditions making it impractical to develop more than three lots.

(2) In those cases where approval of a street is to be without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the superintendent of public works at least five days prior to the planning commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the planning commission and, if not in conflict with the standards of Sections 25 to 29 of these regulations, shall be approved with conditions necessary to preserve these standards.

Section 22. Creation of Ways. Any easement of way providing access to property created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street either in a subdivision or as provided in Section 21 of these regulations.

Design Standards

Section 23. Principles of Acceptability. The subdivision shall be in conformity with any development plans and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of state laws and the standards established by this ordinance.

Section 24. Streets.

(1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a development plan, the arrangements of streets in a subdivision shall either:

(a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(b) Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum right-of-way and roadway widths. Unless otherwise indicated on the development plan, the width of streets and roadways in feet shall not be less than the following:

<u>Type of Street</u>	<u>Minimum Right of Way</u>	<u>Minimum Roadway</u>
Major arterials	60	
Secondary arterials	60	
Commercial and industrial streets	60	40
Collector streets and continuing residential streets	50	20
Minor streets (disconnected streets not exceeding 1,800 feet in length)	50	20
Cul-de-sacs	50	20
Radii for turn-arounds at ends of cul-de-sacs	50	40
Alleys	20	20

In the case of arterials, if roadway width is not indicated on a development plan, the width shall meet predicted requirements as determined by the planning commission. Where conditions, particularly the size and shape of land parcels, make it impractical to provide minimum lot sizes if the standard street widths are used, right of way of not less than 50 feet may be accepted for cul-de-sacs and for minor streets which do not have a continuous alignment exceeding 1,800 feet.

(3) Reserve strips: Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the city under conditions approved by the planning commission.

(4) Alignment: All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the center lines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

(5) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without turn-arounds. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

(6) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles, but in no case less than 60 degrees unless there are special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections which are not at right angles shall have minimum corner radii of 15 feet along the right-of-way lines of the acute angles. Right-of-way lines at intersections with arterial streets shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.

(7) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate widths, additional right of way shall be provided at the time of subdivision.

(8) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

(9) Cul-de-sacs. Cul-de-sacs shall be as short as possible and shall have maximum lengths of 300 feet and serve no more than 35 single-family dwellings. All cul-de-sacs shall terminate with circular turn-arounds.

(10) Street names. No street names shall be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission.

(11) Grades and curves. Grades shall not exceed 7 per cent on major or secondary arterials, 10 per cent on collector streets, or 15 per cent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of 0.5 per cent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. On arterials there shall be a tangent of not less than 100 feet between reversed curves.

(12) Streets adjacent to railroad right of way. Wherever the proposed subdivision contains or is adjacent to a railroad right of way, provision may be required for a street approximately parallel to and on each side of the right of way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right of way.

(13) Marginal access streets. If a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(14) Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the planning commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet.

Section 25. Blocks.

(1) General. The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.

(2) Sizes. Blocks shall not exceed 1,000 feet in length between street lines, except blocks adjacent to arterial streets or unless the previous adjacent

layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1000 feet.

(3) Easements.

(a) Utility lines. Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of 12 feet in width and centered on rear or side lot lines, except for guy wire/tie-back easements which shall be six feet wide by 20 feet long along lot lines at change of direction points of easements.

(b) Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

(c) Pedestrian ways. In blocks over 800 feet in length a pedestrian way with a minimum width of 10 feet may be provided through the middle of the block when desirable for public convenience. If unusual conditions require blocks longer than 1200 feet, two pedestrian ways may be required. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually shaped blocks.

Section 26. Lots.

(1) Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The width of every lot shall be at least 70 feet except that corner lots shall have a width of at least 75 feet to permit appropriate building setback from both streets. In the case of irregular lots, the width shall be measured along the front building line. Lots shall have an average depth of not less than 100 feet and not more than two and one-half times the width. In no case shall a lot be less than 7000 square feet in area. These minimum standards shall apply with the following exceptions:

(a) In areas that will not be served by a public sewer, minimum lot sizes shall conform to the requirements of the county health department

and shall take into consideration problems of water supply and sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

(b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(2) Access. Each lot shall abut upon a public street.

(3) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet, across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of 120 feet.

(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Section 27. Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the planning commission may require that the blocks shall be of a size and shape, be divided into lots, and contain building site restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

Section 28. Building Lines. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed restrictions.

Section 29. Public Land.

(1) The provision of public land for school, park, and recreation purposes is considered essential to the proper development of residential areas. The subdivider shall dedicate to the city for public purposes an area of land in a location as determined desirable by the planning commission equal to 0.015 acres

per lot within the plat, or in lieu of dedication of land shall pay to the city for each lot an amount of money equal to 0.015 times the estimated acreage value of land for residential purposes, whichever is determined by the planning commission to be the more reasonable. The fund which accumulates from payments in lieu of dedication shall be expended by the city council for the acquisition of public land in accordance with the city's development plans. The acreage value of land for determining payment in lieu of dedication of land shall be established by the planning commission, taking into account the current market values. The method of payments in lieu of dedication of land shall be established by agreement with the planning commission prior to final approval of the plat.

(2) Where a site for a proposed school or other public use shown in a development plan is located in whole or in part in a subdivision, the planning commission may request the dedication or reservation of the area within the subdivision in those cases in which the planning commission finds this requirement reasonable. The public land shall be dedicated without any reservation or restriction whatever.

(3) No subdivider shall be required to dedicate (or make payments in lieu thereof) more than 40 per cent of his land for all public purposes including streets but not including utility easements or drainage ways. If greater land areas are required for public use, the planning commission may require the reservation of such areas for a period of one year, during which time the appropriate agency may acquire the land at a price established prior to final approval of the plat. Reservation of land for acquisition by the state highway commission, school district, or other public agency may be required only if the planning commission has received assurance that positive steps will be taken in the reasonable future for such acquisition.

Improvements

Section 30. Improvement Procedures. In addition to other requirements, improvements installed by the subdivider, either as a requirement of these regulations or at his own option, shall conform to the requirements of this ordinance and permanent improvement standards and specifications adopted by the city and shall be installed in accordance with the following procedure:

(1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map.

Plans shall be prepared on tracing cloth in accordance with requirements of the city.

(2) Improvement work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the city has been notified.

(3) Improvements shall be constructed under the inspection and to the satisfaction of the superintendent of public works. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

(4) All underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

(5) A map showing all public improvements as built shall be filed with the superintendent of public works upon completion of the improvements.

Section 31. Improvement Requirements. Improvements to be installed at the expense of the subdivider are as follows:

(1) Streets. All streets, including alleys, within the subdivision; streets adjacent but only partially within the subdivision; and the extension of subdivision streets to the intercepting paving line of existing streets with which subdivision streets intersect shall be graded for the full right-of-way width and improved to the city's permanent improvement standards and specifications. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways.

(2) Monuments. Upon completion of street improvements, monuments shall be re-established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. Elevation bench marks shall be established at each street intersection monument with elevations to U. S. Geological Survey datum.

(3) Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the

subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

(4) Sanitary sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city trunk sewer system, the planning commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area. If required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the planning commission may recommend to the city council construction as an assessment project, with such arrangement with the subdivider as is desirable to assure financing his share of the construction.

(5) Water system. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to city mains shall be installed. The design shall take into account provisions for extension beyond the subdivision and to adequately grid the city system, but the city will not expect the subdivider to pay for the extra cost of mains exceeding six inches in size.

(6) Sidewalks. Sidewalks may be installed along both sides of each street and in any pedestrian ways within the subdivision.

(7) Other.

(a) Curb cuts and driveway installations are not required of the subdivider, but if installed shall be according to city standards.

(b) Street tree planting is not required of the subdivider, but if planted shall be according to city requirements and of a species compatible with the width of the planting strip.

Exceptions, Variances, and Enforcement

Section 32. Exceptions in Case of Large-Scale Development. The standards and requirements of these regulations may be modified by the planning commission in the case of a plan and program for a complete community, a neighborhood unit, a large-scale shopping center, or large industrial area development providing the modifications are not detrimental to the public health, safety, and welfare and providing the planning commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air, and

service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Section 33. Variance Application. When necessary, the planning commission may authorize conditional variances to requirements of this ordinance. Application for a variance shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the planning commission shall find the following facts with respect thereto:

(1) That there are special circumstances or conditions affecting the property that are not common to all property in the area.

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.

(3) That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity of the property involved.

Section 34. Planning Commission Action on Variances.

(1) In granting necessary variances the planning commission shall secure substantially the objectives of the regulations to which variances are granted in order to preserve the public health, safety, convenience, and general welfare. Conditions necessary for this purpose shall be specified in granting the variance.

(2) In granting a variance, the planning commission shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. The city shall keep the findings on file as a matter of public record.

Section 35. Appeal.

(1) Appeal may be made to the city council from any decision, determination, or requirement of the planning commission by filing notice thereof in writing with the city within 10 days after the decision, determination, or requirement is made.

The notice shall set forth in detail the action and the grounds upon which the subdivider deems himself aggrieved.

(2) The city council, following the filing of an appeal, shall set a time for a hearing on the appeal to be held within 40 days thereafter, and the hearing may, for good cause, be continued by order of the city council. Upon the hearing of the appeal the city council may affirm, over-rule or modify the decision, determination, or requirement appealed from and enter any order or orders in harmony with the spirit and purpose of these regulations and this disposition of the appeal shall be final.

Section 36. Validity. If any provision of this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the judgment shall not affect the validity of the remaining portion.

Section 37. Penalties for Violation. In addition to penalties provided by state law, any person who violates or fails to comply with any provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both, for each day during which the violation continues.

PASSED by the Council this sixth day of October, 1961.

AYES: four

NAYS: none

APPROVED by the Mayor this sixth day of October, 1961.

Stanley Skates
Mayor

ATTEST:

H. B. Albert
City Recorder