

SECTION 178

Subdivisions: Basic Conditions

178.01 Purpose

The purposes of this section are to:

- a. Serve the public health, safety, and general welfare of the city and residents of Glenwood and its surrounding jurisdiction.
- b. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities.
- c. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
- d. Avoid excessive costs to the taxpayers of Glenwood or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services.
- e. Protect the unique environment of the City of Glenwood by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
- f. Provide the City of Glenwood with the ability to grow incrementally through the eventual annexation of new developments.

178.02 Jurisdiction and Applicability

- a. The provisions of this section shall be applicable to all property within the corporate limits of the City of Glenwood and extraterritorial jurisdiction, as defined in the City of Glenwood Code of Ordinances.
- b. No owner of real property within the City of Glenwood and its jurisdiction may subdivide such property without gaining approval pursuant to this ordinance. In addition, no individual may sell or offer to sell any lots or parts of real property that are not subdivided as required by state law or this section.
- c. The provisions of this section apply to all zoning districts. However, specific standards and requirements may be modified for Planned Development Overlay Districts.

178.03 Interpretation, Conflict, and Severability

- a. These regulations shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision conflicts with any other provision of the Land Development Ordinance, any other Ordinance of the City of Glenwood, or

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any applicable State or Federal law, the more restrictive provision shall apply.

b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

178.04 Performance of Work by the City

No officer or employee of the City shall perform or cause to be performed any work upon any street or in any addition or subdivision of the city unless all requirements of these regulations have been complied with by the owner of the subdivision.

SECTION 179

Subdivision Approvals And Procedures

179.01 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the Planning and Zoning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

179.02 Administrative Subdivisions

a. Scope

The Administrative Subdivision procedure may be used to adjust an interior ^{lot} ~~property~~ line or combine two or more lots without replatting providing the following conditions are met:

1. In the case of an Administrative Property Line Adjustment:
 - (a) The lots involved must be designated within the same zoning district and the proposed adjustment will not create or result in a violation of the zoning ordinance.
 - (b) The lots involved must be existing platted lots.
 - (c) The adjustment alters property lines of no more than four lots without creating additional lots.
2. In the case of an Administrative Platting or Lot Consolidation:
 - (a) The lots involved must be designated within the same zoning district and the proposed platting or lot consolidation will not create or result in a violation of the zoning ordinance.
 - (b) The lots involved must be existing platted lots.
 - (c) The lots must be under unified ownership.
 - (d) The proposed platting creates no more than four lots, or the proposed consolidation consolidates no more than four lots into a lesser number of lots.
3. A lot is limited to only one instance an administrative adjustment, platting and/or consolidation.
4. The subdivision is served by existing utilities and does not require the extension of streets, utilities, or public improvements.

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5. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance.

b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Planning Commission and including the supporting documents required for Administrative Subdivisions in Table 179-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor.

2. Following submission, the Zoning Administrator and Public Works Director shall review each application according to the following criteria:

- (a) Compliance with the conditions for contained in Section 179.02(a) above.
- (b) Consistency with the Comprehensive Development Plan of the City of Glenwood.
- (c) Potential adverse environmental effects or effects on neighboring properties.

3. Following such review, the Zoning Administrator may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval which must be filed along with the plat with the Mills County Recorder.

4. The Zoning Administrator retains the right to disapprove the Administrative Subdivision application. In the event of such action, the application may proceed through the Minor or Major Subdivision process. If the subdivision complies with the conditions of a Minor Subdivision application, it may be directed to that approval process. Otherwise, the proposed subdivision shall be deemed a Major Subdivision and proceed through the appropriate review and action process.

5. Following approval of an Administrative Subdivision, the subdivider must file the plat and certificate of approval with the Mills County Recorder. If the approved plat is not filed within 90 days of approval by the Zoning Administrator, such approval shall be null and void.

6. The Zoning Administrator shall keep a complete and accurate record of all administrative subdivision approvals.

179.03 Minor Subdivisions

a. Scope

The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

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1. The subdivision adjusts the lot lines of no more than four lots without creating additional lots; or creates no more than four lots from any single parcel, tract, or lot.
2. The subdivision is served by existing utilities and does not require the extension of streets, utilities, or public improvements.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance.
4. No part of the parcel has been the subject of a previous Minor Subdivision or Minor Subdivision approval.

b. Application and Approval Procedure

An application for a Minor Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Zoning Administrator and including the supporting documents required for Administrative Subdivisions in Table 179-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor.
2. Following submission, the Zoning Administrator and City Engineer shall review each application according to the following criteria:
 - (a) Compliance with the conditions for contained in Section 179.03(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Glenwood.
 - (c) Potential adverse environmental effects or effects on neighboring properties.
 - (d) Effects of the subdivision on public services. In order to determine this effect, the Zoning Administrator may submit the application to relevant school districts, utilities, and public safety agencies as required.
3. Following such review, the Zoning Administrator shall forward the application along with his/her recommendation, to the Planning Commission.
4. The Planning Commission, following proper notice, shall hold a public hearing on each Minor Subdivision and, following such public hearing, shall make a recommendation to the City Council. If the subdivision is approved by the City Council, the approval shall be documented by a certificate of approval. This certificate shall be filed along with the approved plat with the Mills County Recorder. A record of all subdivisions and certificates of approval shall also be maintained by the City Clerk.
5. The Planning Commission retains the right to disapprove or not act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.

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6. Following approval of a Minor Subdivision, the subdivider must file the plat and certificate of approval with the Mills County Recorder. If the approved plat is not filed within 180 days of approval by the City Council, such approval shall be null and void.

7. The Zoning Administrator shall keep a complete and accurate record of all Minor Subdivision approvals.

179.04 Major Subdivisions

a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures. In general, these include subdivisions that: 1) are not approved under the Administrative or Minor Subdivision procedure; 2) create more than four lots; 3) require development or extension of public improvements.

b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage.

c. Pre-application Procedures

1. Before filing an application for preliminary plat approval, ~~the applicant shall meet with the Zoning Administrator or his/her designee, regarding general requirements and issues relating to the proposed subdivision.~~

2. At the pre-application conference, the applicant shall submit a concept plan. The concept plan shall include:

(a) A location map showing the relationship of the proposed subdivision to existing and proposed streets and public facilities.

(b) A schematic plan illustrating the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography.

3. Within fifteen working days, the Zoning Administrator shall inform the applicant about the consistency of the concept plan with the objectives and policies of the City's Comprehensive Plan and Land Development Ordinance.

4. The pre-application conference does not require a formal application or payment of a fee.

5. Following the pre-application meeting, the Zoning Administrator shall refer the schematic plan to the Planning Commission for review. The Commission must approve the subdivision's general land use and schematic plan prior to preparation of the preliminary plat.

d. Preliminary Plat Application

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1. Application Requirements

After the pre-application conference, the applicant shall prepare and submit an application for preliminary plat approval. The applicant shall prepare and file 8 copies of the preliminary plat. The application for preliminary plat approval shall be submitted to the City Clerk at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Zoning Administrator; the supporting documents required for Major Subdivisions in Table 179-1; and payment of a fee, the amount of which shall be determined by the City Council.

2. Draft Subdivision Agreement

The preliminary plat application shall include a draft of a subdivision agreement, following a format established by the Planning Commission. The subdivision agreement establishes the mutual responsibilities of city and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the financing arrangements proposed for the subdivision.

3. Preliminary Plat Approval Procedure

(a) After submission of a complete application for a preliminary plat, the Zoning Administrator and his/her staff shall review the application. As part of the review, the Zoning Administrator will circulate the application to the City Engineer, local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services deemed necessary. Each reviewing agency shall submit written comments to the Zoning Administrator within a period which he/she establishes.

(b) Following the comment period, the Zoning Administrator shall submit a written recommendation for action to the Planning Commission.

(c) The Planning Commission, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council. In addition, the Commission may delay action on the application in order to resolve outstanding issues.

(d) Following action by the Planning and Zoning Commission, the Chairman of the Commission shall transmit a written recommendation summarizing the Commission's action to the City Council

(e) The City Council, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application.

(f) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following

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rights:

- (1) The general terms and conditions under which the plat was approved will not change.
- (2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.
- (3) The preliminary plat approval shall stay in force for a period of one year from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.
- (4) Phased Subdivisions: The final plat may be submitted in phases, provided that no phase represents the lesser of 10 lots or 20% of the total number of lots in the entire approved preliminary plat. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

e. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval within one year of the preliminary plat approval, unless an extension has been granted by the City Council. The application for final plat approval shall be submitted to the City Clerk at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Zoning Administrator; the supporting documents required for Final Plat Approval of Major Subdivisions in Table 179-1; and payment of a fee, the amount of which shall be determined by the City Council.

2. Final Subdivision Agreement

The final plat application shall include the final subdivision agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat.

3. Performance Bond

The subdivision agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternately, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

4. Final Plat Approval

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(a) The Zoning Administrator and Planning Commission shall review the final plat for consistency with the approved preliminary plat and for compliance with the Land Development Ordinance and other applicable local, state, or federal statutes and regulations. If the final plat meets all conditions of the ordinance and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to approve the final plat.

(b) If the Planning Commission finds in its review that the submitted final plat is inconsistent with the preliminary plat, does not comply with the conditions of relevant ordinances and statutes, or requires a waiver of any section of the LDO, it shall hold a public hearing on the final plat. Following such public hearing, the Commission shall transmit its recommendation on the final plat to the City Council.

(c) The City Council, following proper notice, shall hold a public hearing on each final plat and subdivision agreement and, following such public hearing shall take final action on the application. The City Council is further empowered to grant waivers of a section of the Subdivision Regulations after a waiver request has received a recommendation from the Planning Commission.

f. Filing the Final Plat

1. Following City Council approval of a final plat, the Chairman of the Planning Commission and the Mayor of the City of Glenwood shall sign a certificate of approval, which shall be a part of the reproducible documents of the subdivision plat required with submission of the final plat.

2. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The applicant shall record the plat in the office of the Recorder of Mills County and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in force.

3. The subdivider must file the final plat along with all applicable covenants and other documentation within 180 days of the execution of the preliminary plat by the Chairman of the Planning Commission and the Mayor.