

# Article 2

## Subdivision Application Procedure

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### 2.100 Pre-Application Conference and Sketch Plan

The Zoning Administrator may request a pre-application conference prior to submission of any application of a preliminary plat. A pre-application conference affords the subdivider/applicant an opportunity to meet with city staff and receive assistance before the preliminary plat is prepared. The purpose of the pre-application conference is to acquaint the applicant with the procedural requirements of these regulations; provide for an exchange of information regarding the proposed development plan and applicable elements of these regulations; advise the applicant of any public sources of information that may aid the applicant; identify policies and regulations that create opportunities or pose significant restraints for the proposed development; and permit city staff input into the general design of a project, based on the submitted sketch plan. The conference consists of the following steps:

1. Contact the Zoning Administrator at the St. Marys City Hall.
2. The applicant shall furnish the Zoning Administrator with a sketch plat or plan of the proposed development. The Zoning Administrator may waive the sketch plan due to the limited size of development or elementary character of site development. The sketch plan shall be submitted for staff review and comment at least ten days prior to the scheduled pre-application conference. No fee is required with a sketch plan.
  - a). The sketch plan shall contain the following information:

- i. Name, address, and phone of applicant.
  - ii. Legal description and existing zoning.
  - iii. Proposed boundaries, north point.
  - iv. General topographic features at reasonable intervals.
  - v. General drainage features.
  - vi. Streets adjacent to tract.
  - vii. Availability of utilities and other public services.
  - viii. Proposed general street and lot layout.
  - ix. General estimate of lot sizes.
  - x. General location details showing the relationship of the proposed subdivision to existing utilities, streets, and to surrounding developed and undeveloped land.
3. The Zoning Administrator will review pertinent requirements for platting, including streets, easements, physical arrangement and density, and general regulations for public water and sewer connections.
  4. The applicant shall review all environmental, engineering and traffic, and sanitary sewer regulations and flood plain elevation maps that are currently in force in St. Marys.

## **2.101 Short Plat**

1. A short plat may be prepared in land divisions containing no more than five (5) lots. The development must not require major infrastructure improvements. The purposes of the short plat are to “streamline” or speed development permits and simplify procedures. This process is not intended to proliferate small plats that will eventually accumulate into larger developments. To this end, the use of the short plat is discretionary upon review of the facts by the Planning Commission. A short plat may be used to:
  - a) Make minor amendments to an existing plat.
  - b) For public facility, commercial, and industrial lots.
  - c) Allow further dividing of land.
2. The sub divider shall submit three copies of the short plat application forms and attachments to the Zoning Administrator in accordance with the following standards.
  - a) A scaled, legible survey showing bearings, point of beginning, monuments, pins, distances, setbacks,

easements, lot configuration and numbers, and a north arrow. The scale is typically 50 feet, 100 feet or 150 feet to one inch.

- b) Short plat name, if any.
  - c) Date, acreage, number of lots, and zoning designation.
  - d) The name, mailing address, and telephone number of the owner, and the person with whom official contact should be made regarding the short subdivision.
  - e) A legal description of the property.
  - f) Lot, block, and street right-of-way and centerline dimensions.
  - g) Street names.
  - h) Proposed dedications, if any.
  - i) Water or sewer notation, if any.
  - j) Surveyor's signature, certificate, and seal.
  - k) Notary signature and certificate.
  - l) Signature and date blocks for the Zoning Administrator, County Environmental Officer (extra-territorial zone), County Director of Public Works (extra-territorial zone), Planning Commission Chair, City Commission, County Commission (extra-territorial zone), City Clerk, and City Attorney.
  - m) Notation block for the Register of Deeds.
  - n) Application fee.
3. Criteria for preliminary short plat approval. In order to grant approval of a short plat, the Planning Commission must find:
- a) That the proposed short plat subdivision is in conformance with the St. Marys comprehensive plan, and any other such plans developed pursuant to law;
  - b) That appropriate provisions have been made for water, storm drainage, and sanitary sewage disposal methods proposed for the short plat subdivision which are consistent with city or county standards and plans;
  - c) That appropriate provisions have been made for proposed road, utilities, and other improvements which are consistent with city or county standards and plans;

- d) That appropriate provisions have been made for dedications, easements, and reservations;
  - e) That the physical characteristics of the proposed short plat division site, including but not limited to topography, soil conditions, and susceptibility to flooding have been considered.
  - f) That the proposed short plat subdivision complies with the requirements of the zoning ordinance (UDC Chapter 1).
4. Short plat approval. Within thirty days of the filing date of the short plat, the Zoning Administrator shall review the short plat for conformance with all conditions of these regulations. If all such conditions are met, the Zoning Administrator shall place the short plat on the next regularly scheduled meeting of the Planning Commission. The Planning Commission may approve the final plat and authorize the recording of the short plat. If all conditions are not met, the Planning Commission shall provide the applicant with a list of necessary changes to the plat to bring the plat into conformance or explain why the application was denied.
5. Short plat recording. Short plats must be filed on the size and type of paper provided by the Zoning Administrator, or on one sheet of 18" x 24" Mylar. The applicant shall pay all applicable recording fees

## **2.102 Preliminary Plat**

The sub divider shall submit a preliminary plat to the Zoning Administrator in accordance with the following standards.

1. The applicant shall submit a complete preliminary plat form available at City Hall and five (5) copies of a preliminary plat to the Zoning Administrator, together with any supplementary data specified by these regulations, at least twenty-one (21) days prior to the Planning Commission meeting at which consideration of the preliminary plat has been placed on the agenda.
2. The applicant shall pay all filing fees associated with preliminary plats as adopted by the City Commission before the plat is accepted for review by the Zoning Administrator and Planning Commission.
3. The preliminary plat shall contain the information and data as set forth in Chapter 2, Section 3.100 and Section 3.101.

4. The Zoning Administrator is authorized to reject an incomplete submission form or preliminary plat that fails to comply with the requirements set forth in Chapter 2, Sections 3.100 and 3.101.

## **2.103 Preliminary Plat Action**

1. Public Notice. The Zoning Administrator shall schedule the required public hearing and be responsible for publication in the official newspaper a public notice at least 14 days prior to the date of the hearing. The notice shall include the following:
  - a) A legal description or general description sufficient to identify the property under consideration.
  - b) A general description of the proposed development or subdivision.
  - c) The date, time, and place of the public hearing and a clear statement that it is a public hearing at which public testimony is sought.
  - d) The notice shall include a statement that a copy of the proposed preliminary plat is available for public inspection and shall include where such information is available.
2. Plat Approval. The Planning Commission shall approve, conditionally approve, or disapprove the plat, within 60 days from the date of the first hearing, unless such time is extended by mutual consent. If no action or determination that the plat conforms to the provisions of the subdivision regulations within 60 days, then such plat shall be deemed to have been approved. If the Planning Commission finds that the preliminary plat does not conform to the requirements of these regulations, the applicant shall be notified in writing indicating the ways in which the preliminary plat fails to conform to these regulations.
3. Additional Criteria for Review. The Planning Commission shall also review the preliminary plat to assure:
  - a) Conformance with the comprehensive plan,
  - b) Utility and municipal service requirements are met,
  - c) Financial assurance is provided for the installation of public facilities and infrastructure,
  - d) The review of possible environmental impacts the project may have.

4. Public Improvements. The Planning Commission shall require the applicant to indicate on the plat all streets and public improvements to be dedicated and all special districts for water, fire, drainage, street, and utility improvements.

## **2.104 Final Plat**

If the Planning Commission approves a preliminary plat, the applicant may submit a final plat to the Planning Commission for a compliance review. The sub divider shall file a final plat with the Zoning Administrator in accordance with the following standards.

1. The applicant shall submit a complete final plat form available at City Hall and five (5) copies of a final plat to the Zoning Administrator, together with any supplementary data specified by these regulations, at least twenty-one (21) days prior to a regularly scheduled Planning Commission meeting.
2. The applicant shall pay all filing fees associated with final plats as adopted by the City Commission before the final plat is accepted for Zoning Administrator and Planning Commission review.
3. The final plat shall contain the information and data as set forth in Chapter 2 Section 3.102.
4. The Zoning Administrator is authorized to reject an incomplete submission form or final plat that fails to comply with the requirements set forth in Chapter 2 Section 3.102.

## **2.105 Final Plat Action**

1. County Commission Action. All subdivisions in the extra territorial zone shall be forwarded to the Pottawatomie County Commission for its consideration of conformance with all county/township road standards, offers of dedication, and financial assurances in accordance with state statutes.
2. Planning Commission Action. A majority of a quorum of the membership of the Planning Commission shall approve, conditionally approve, or disapprove within 60 days from the date of the filing of the plat, unless such time is extended by mutual consent. If no action or determination that the plat conforms to the provisions of the subdivision regulations within 60 days, then such plat shall be deemed to have been approved.
  - a) The question of final approval will be placed upon an agenda at the regularly scheduled meeting of the Planning Commission.

- b) No final plat shall be considered for final approval or acceptance unless all provisions of these regulations have been met, including compliance with the conditions set forth by the Planning Commission on the preliminary plat.
  - c) If the Planning Commission finds that the final plat does not conform to the requirements of these regulations, the applicant shall be notified in writing indicating the ways in which the final plat fails to conform to these regulations.
  - d) An approved overall preliminary plat may be final platted in phases rather than as a whole.
  - e) No public notice or public hearing is required for a final plat. Written notice shall be given to the applicant concerning the date of the public hearing.
  - f) If the final plat is approved, the Planning Commission Chair shall date and endorse the original final plat.
3. City Commission Action. After the Planning Commission approves the final plat, the City Commission shall examine the final plat to ensure conformance with all city utility and road standards, offers of dedication, and financial assurances. Within 30 days after the first meeting of the City Commission following the date of the submission of the plat to the City Clerk, the City Commission must either accept or refuse the dedication of land for public purpose. The City Commission may defer action for an additional 30 days for the purpose of allowing modifications to comply with the requirements established by the City Commission. If the City Commission defers or refuses such dedication, it shall advise the Planning Commission of the reasons for said action.
4. Affect of Denial for Public Acceptance. If a final plat is refused because of failure to adhere to road standards, or if offers of dedication would be contrary to public policy, the matter has reached closure, and the plat may not be filed.

## **2.106 Recording of Plat**

1. Upon approval of a final plat, and acceptance of all dedications by the City or County Commission, and upon submission of all documents and signatures required as part of a final plat, the Zoning Administrator shall release the final plat to be filed with the Pottawatomie County Register of Deeds.

2. The sub-divider shall be responsible for the recording fee and any outstanding real estate taxes and special assessments, and submitting two (2) reproducible copies of the recorded final plat to the Zoning Administrator.
3. No construction or building permits, or letters of zoning compliance shall be issued until the final plat is recorded.

## **2.107 Re-subdivision or Replat**

Any previously subdivided tract(s) may be re-subdivided after submission of a new or corrected plat.

1. Re-subdivided plats may be used for the following purposes:
  - a) The division of any existing lot into two or more additional lots.
  - b) Change the number of lots
  - c) Change lot lines
2. Title Block. All re-subdivision plats shall contain the title "Re-subdivision" or "Replat" followed by the original title of the "Plat" and, if applicable, the lot(s) that are to be divided: i.e., "A Replat of Lots 1 and 2 of Wildcat Subdivision".

## **2.108 Concurrent Plat Approval**

The Zoning Administrator is authorized to decide if a preliminary plat and final plat for the same property can be filed and placed on the Planning Commission agenda for concurrent approval.