CHAPTER 18

SUBDIVISION REGULATIONS

Article 1
General Provisions

18.0101 Subdivision of Land: Duty of Planning Commission

The Planning Commission of the City is hereby authorized and instructed to review and to approve or disapprove the subdivision of land with the City and territory adjacent thereto in accordance with the laws of North Dakota.

18.0102 Planning Commission: Rules Governing

The Planning Commission is to be governed in its review of subdivisions by the laws of North Dakota, ordinance of the City, and the specific regulations contained in this ordinance.

18.0103 Purpose

In order to safeguard the best interests of the City and to assist the subdivider in harmonizing his interests with those of the City at large, the ordinance is adopted. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community and to which the community will be forced to adhere and because piecemeal planning of subdivisions will bring on undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to the Comprehensive Plan and the Street and Highway Plan of the City aiming at a unified scheme of community interests and shall in all respects, fully comply with the regulations hereinafter set forth in this ordinance. It is the purpose of this ordinance to make certain that regulations and requirements for the platting of land within the City and surrounding area, as adopted by the Planning Commission of the City in accordance with the laws of the State of North Dakota and the ordinances of the City, are hereby adopted as a part of the Master Plan of the City.

18.0104 Subdivision Plat: Approval Required for Recording

From and after the adoption of these regulations and the filing of a certified copy of the Street and Highway Plan of the City in the offices of the Register of Deeds of Grand Forks County, no plat of the subdivision of land within the City or within the territory adjacent thereto designated on said Street and Highway Plan as subject to the subdivision regulations of the City shall be filed or recorded until it shall have been acted upon by the Planning Commission and the City Council of the City and approval entered in writing on the plat.

Article 2
Definitions

18.0201 Definitions

For the purposes of this ordinance, certain words and terms are hereby defined as follows:

1. Alley - A public service way which provides secondary access to abutting property.

2. Block - Is an area of land within a subdivision that is entirely bounded by street or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a physical land barrier such as a river.

3. Building Permit - Is the permit to allow for structural construction as required under the Building Code of the City.

4. City - Is the City of Thompson.

5. City Council - Is the governing body of the City.

6. Comprehensive Plan - Refers to the group of maps, charts and texts that make up the Comprehensive Guide Plan or Master Plan of the City.

7. Design Standards - Are the specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things the optimum, minimum, or maximum dimensions or such items as right-of-way, blocks, easements and lots.

8. Developer - The owner, subdivider or party promoting the growth or building in an area.

9. Easement - Is a grant by a property owner of the use of a strip of land for such public use as constructing and maintaining utilities, including, but not limited to sanitary sewers, watermains, electric lines, telephone lines, T.V. or F.M. transmission lines, storm sewer or storm drainage ways, gas lines and roadways.

10. Easement Slope - Is a grant by a property owner for the use of a strip of land for the purpose of constructing a slope or grade transition from the existing property grade to a new established grade.

11. Final Plat - Is a drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by the County of Grand Forks for purposes or recording.

12. Improvement - A public improvement consisting of any sanitary sewer, storm sewer, drainage ditch, water main, roadway, street grading and surfacing with or without curbs and gutters, sidewalks, planting strips, crosswalk, off street

parking areas, or other facility for which the City may ultimately assume the responsibility for maintaining and operating.

13. Intersection Street - Is the point of crossing or meeting of two or more streets.

14. Lot - One Unit of a recorded plat or subdivision of a portion or parcel of land considered as a unit and occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as required by other City ordinances and having frontage on a public street.

15. Master Plan - See "Comprehensive Plan".

16. Owner - Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi public corporation, private corporation, or a combination of any of these.

17. Parks and Playgrounds - Are public land and open spaces in the City dedicated or reserved for recreation purposes.

18. Percentage of Grade - Is the rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The center line of a street shall be used to determine the street rise of grade.

19. Pedestrian Way - Is a public or private right-of-way across a block or within a block to provide access to be used by pedestrians and which may be used for the installation of street light utility lines.

20. Planning Commission - Is the Planning Commission of the City.

21. Preliminary Plat - Is a tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.

22. Protective Covenants - Are contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

23. Service Road - Are minor streets which are parallel and adjacent to thoroughfares and highways, and which provide access to abutting properties and protection from through traffic.

24. Street - Is a public right-of-way which affords the principal means of access to abutting property.

25. Street Thoroughfares - Are arterial streets which are used primarily for heavy traffic and serving as an arterial trafficway between the various districts of the community as shown on the Comprehensive Plan.

26. Street Collectors - Are those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts as shown on the Comprehensive Plan.

27. Street Minor - Are those which are used primarily to provide vehicular and pedestrian access to abutting properties, consisting of cul-de-sacs and residential streets less than 600 feet long.

28. Street Cul-de-sac - Is a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

29. Street Width - Is the shortest distance between lines of lot delineating the street right-of-way.

30. Street Private - A private roadway affording access by pedestrians and vehicles which is under individual rather than municipal control and ownership.

31. Subdivider - The owner or party promoting the division of a tract or parcel of land into lots.

32. Subdivision - Is a described tract or parcel of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than five (5) acres in area for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land. The term includes resubdivision or rearrangement of lots in a subdivision and where it is appropriate to the contest, relates either to the process of subdividing or to the land subdivided.

33. Tangent - Is a straight line departing from a curve which is perpendicular to the radius of that curve.

34. Tract - A parcel of land intended for division or development of a subdivision.

35. U.S.G.S. Datum - Refers to United States Geodetic Survey Datum.

36. Vertical Curve - Is the surface curvature on a street center line located between lines of different percentage of grade.

Article 3
Procedure

18.0301 <u>Preliminary Steps</u>

1. Before preparing the general plan of a subdivision, the subdivider shall consult informally with the Planning Commission and the City Engineer concerning the relation of his property to existing conditions, future plans, and community facilities, utilities and services.

2. It will be the duty of the Planning Commission to discourage the subdividing of lands that are far in advance of the needs of the community, or that by

their location cannot be efficiently served by public utilities, fire protection, police protection or other municipal service; or that are located in areas subject to flooding or that are topographically unsuitable for development; or that for any other reason are unwisely or prematurely subdivided. It shall also be the duty of the Planning Commission to encourage the replatting of lands deemed to be unsatisfactorily subdivided or are underdeveloped.

3. It shall also be the duty of the Planning Commission to encourage the coordinated platting of adjacent small parcels of land.

18.0302 Tentative Approval

1. The subdivider shall apply in writing to the Planning Commission for tentative approval of the preliminary subdivision plat.

2. Four prints of the preliminary subdivision plat shall be submitted to the Secretary of the Planning Commission at least fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered. The preliminary plat shall comply with the provisions of Section 18-1019, subsection "A" of these regulations. Fees charged for the filing of the preliminary subdivision plat shall be paid in full, on the basis of the estimated number of lots created at the time of application for tentative approval. The City Engineer shall prepare a report thereon setting out whether or not said plat meets the requirements of State Law, the City ordinance, and the City Comprehensive Plan. He shall present said report together with his recommendations thereon to the next meeting of the Commission filing as herein set out.

3. The Planning Commission shall approve conditionally or disapprove such preliminary plat. If approved with modification or waiver of certain requirements by the Planning Commission, the reasons therefor shall be specified. If approved conditionally, the reasons and conditions therefor shall be stated. In any conditional approval, the Planning Commission may require the subdivider to submit a revised preliminary plat. If disapproved, the reasons for that action shall be stated. The Planning Commission may make recommendations on the basis of which the proposed subdivision may be approved.

4. Upon the making of its determination, the Planning Commission shall embrace the same within a motion which shall include all conditions it requires for approval, or conditions upon which approval will be granted and shall set forth the reasons for the approval given. A copy of the motion shall be sent forthwith to the subdivider and a copy thereof to the City Council together with the plat if it is approved, conditionally or otherwise.

5. Approval of the preliminary plat by the Planning Commission is not an acceptance of the subdivision plat for record, but is rather an expression of approval of a general plat as a guide to preparation to the subdivision plat for final approval and recording upon fulfillment of all requirements of these regulations.

6. Approval shall be effective for a maximum period of twelve months unless upon application by the developer the Planning Commission grants an extension. If the final plat has not been submitted for final approval within this time a preliminary plat must again be submitted to the Planning Commission for approval.

18.0303 **Final Approval**

1. After the preliminary plat has been approved and the subdivider determines a proceed to secure approval of all or part thereof as a final plat, the final plat shall be submitted to the Planning Commission as follows:

2. Two (2) originals and three (3) prints of the final plat shall be submitted to the City Engineer at least fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered. The application shall be accompanied by such other documents and materials as may be required by these regulations. The City Engineer shall prepare a report thereon setting out whether or not said final plat is in substantial agreement with the preliminary plat and if not, in what particulars it varies therefrom and whether or not it conforms to the requirements of State Law and the City ordinance and that the final plat meets all the conditions attached to the final approval of the preliminary plat. At this time an adjusted filing fee shall be determined and an additional fee shall be paid.

3. After receipt of the application for final approval, the secretary of the Planning Commission shall give notice of a public hearing on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City or in the county concerned at least ten days prior to the date of such hearing. The subdivider will furnish the name and address of the owner of the land or his agent at the time of application, and the Secretary of the planning Commission shall send to said address by registered mail a notice of the time and place of such public hearing not less than five days before the date fixed for the hearing. The public hearing may be held at a regular meeting or special meeting of the Planning Commission.

4. After a public hearing, the Planning Commission will act upon the request for final approval. If the Planning commission approves the subdivision, such approval will be entered upon the tracing and will be signed by the Secretary or Chairman of the Planning Commission. If the Planning Commission disapproves the subdivision, such action, together with the reasons therefor will be entered in the official records of the Planning Commission and a copy of such record will be sent to the subdivider. If it shall determine that it cannot approve it unless certain conditions are attached, it shall by motion set forth the conditions for approval and forthwith send a copy of such conditions to the subdivider and all further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if no further action is taken by the subdivider within a thirty (30) day period the plat shall be deemed to be disapproved.

5. The Planning Commission will act upon all requests for final approval of a subdivision within thirty days after application for such approval is made.

Failure by the Planning Commission to act within such period shall be deemed as approval of the subdivision and the Secretary of the Planning Commission shall issue a certificate to that effect upon demand. However the subdivider may waive this requirement and agree to an extension of this period.

6. Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation or existing streets or alleys, or the creation, enlargement or decrease of other lands devoted to pubic use, the Planning Commission shall at the same time and without further public hearing approve such change in streets, alleys, or public lands as an amendment to the Master Plan. The Planning Commission will transmit notice of such action to the City Council of the City together with appropriate recommendations concerning the acceptance of dedicated streets, alleys and public lands lying outside the City, notice of the action of the Planning Commission and appropriate recommendations will be transmitted to the Board of County Commissioners of Grand Forks County or other body having jurisdiction.

7. Final action by motion on the final plat shall be communicated forthwith to the subdivider by the Secretary of the Planning Commission and a copy of the motion shall be sent to the City Council together with the plat and such other data as the Commission shall determine.

8. A final plat that is approved by the Governing Body shall be filed for record with the Register of Deeds of Grand Forks County of the county in which the subdivision is located, within thirty days after approval.

18.0304 <u>Submittal to the City Council</u>

1. Upon the adoption of the motion of approval or disapproval by the Planning Commission, the final plat shall come before the City Council for review.

2. The Council shall have the authority to hold such hearings on the final plat as it shall determine, and upon such notice as it shall provide.

3. If the Council is not satisfied with the final plat as presented, it may: (1) disapprove the same; (2) set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or (3) refer the same to the Planning Commission for such further action as it shall determine. Upon such referral, the Planning Commission shall act thereon at the next meeting and report back to the Council no later than thirty days after the said action of the City Council.

4. If the Council shall determine to accept the plat, it shall be resolution so determine and the resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, parks and other spaces dedicated to public purposes.

5. The action of the City Council finally determining the matter shall be communicated to the subdivider and if the plat be disapproved, reasons given by the Council for such determination shall be set forth.

6. A final plat that is approved by the Governing Body shall be filed for record with the Register of Deeds of Grand Forks County or the county in which the subdivision is located within thirty (30) days after approval.

Article 4
Standards

18.0401 Streets and Alleys

1. The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the Comprehensive Plan. Except for cul-de-sac, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run off of storm water, to public convenience and safety, and in their appropriate relation to the proposed use of the area to be served.

2. Minor streets should be so planned as to discourage their use by non local traffic. Deadend streets are prohibited but cul-de-sacs will be permitted where conditions justify their use. Street cul-de-sacs shall normally not be longer than five hundred (500) feet, including a terminal turn around which shall be provided at the closed end with an outside right-of-way radius of not less than thirty (30) feet.

3. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

4. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

5. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than one hundred twenty-five (125) feet shall be avoided.

6. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a limited or controlled access U.D. of State Highway or a thoroughfare, provision shall be required to be made for a service road approximately

parallel and adjacent to the boundary of such right-of-way or for a street at distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, grade crossings or for lot depths.

7. Alleys shall be provided in commercial and industrial districts except that this requirement may be waived where other definite and assured provision is made for service access such as off street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys where provided shall not be less than twenty (20) feet wide for residential alleys and not less than twenty-five (25) feet for commercial and industrial alleys. Deadend alleys will not be permitted except that this requirement may be waived where and adequate turn around is provided.

8. Dedication of half streets will not be approved except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest.

9. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be as shown in the Comprehensive Plan and where not shown therein the minimum right-of-way for streets, thoroughfare, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

	Right-of-Way
Thoroughfare (Major or Arterial)	80 feet
Collector Street (Secondary)	66 feet
Minor Street	60 feet
Service Road	30 feet
Residential Alley	20 feet
Industrial Commercial Alley	25 feet
Pedestrian Way	10 feet

Where existing or anticipated traffic on thoroughfares warrants greater widths of right-of-way, these shall be required.

10. All proposed streets shall be offered for dedication as public streets.

18.0402 Easements

1. An easement for utilities at least ten (10) feet wide shall be provided along each rear lot line and along any other line as may be deemed necessary by the City Engineer to form a continuous right-of-way of at least twenty (20)

feet in width. Said greater width shall be so specified by the City Engineer and provided accordingly upon the plat.

2. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council by resolution upon the recommendation of the City Planning Commission.

3. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

4. Where a subdivision is traversed by a water course, coulee, drainage way, channel, or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water course shall be provided together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the City Engineer.

18.0403 <u>Blocks</u>

1. Block Length. In general, intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed thirteen hundred and twenty (1,320) feet in length except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required. The width and location of such pedestrian ways shall be subject to #2 below and to the approval of the City Engineer and the Planning Commission. Blocks for business or industrial use should normally not exceed seven hundred (700) feet in length.

2. Block Width. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth, except in such cases where lots fronting on service roads are necessary for traffic control. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off street parking and deliveries.

3. Blocks adjacent to thoroughfares should be oriented so that the longer dimension of the lots are parallel to the thoroughfare, or, where not feasible or otherwise desirable, service roads shall be required.

18.0404 <u>Lots</u>

1. The minimum lot area shall not be less than that established by the Zoning Ordinance.

2. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as defined in the Zoning Ordinance.

3. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

4. Double frontage or reverse frontage lots shall be avoided except where lots back on a thoroughfare or other arterial street or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage or reverse frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.

5. Every lot must have a frontage on a public dedicated street other than an alley of at least twenty-five (25) feet.

Article 5
Improvements

18.0501 General

1. Approval.

   a. Before a final plat may be approved by the City Council, the owner shall execute and submit to the Council an agreement which shall be binding on his (or their) heirs, personal representatives and assigns, that he shall cause no private construction on said land, except with approval of the City Engineer, until all improvements required under this ordinance have been petitioned for, arranged for, or have been constructed.

   b. No final plat shall be approved by the Council without first receiving a report from the City Engineer certifying that the improvements described herein, together with the agreements and documents required herein will meet the minimum requirements of all applicable ordinances.

   c. A certified copy of the plat restrictions shall be filed with the Auditor and Register of Deeds which shall include a provision that in all instruments of sale or conveyance given before all street improvements have been made, the grantee shall agree to and approve such improvements and the assessment of their cost.

2. City Financing. Upon recommendation of the Engineer and with the approval of the City Council, any or all of the required improvements may be financed and assessed by the City. Length of assessment period and rate of interest shall be as determined by the City Council.

3. Financing by Developer. If deemed advisable and to be in the best interests of the City, the City Council may require the developer to finance and pay

for any or all improvements. Prior to the making of such required improvements, the owner, subdivider, or developer shall deposit with the City Auditor an amount equal to the City Engineer's estimated cost of any or all such improvements which are to be financed by the developer, either in cash or an indemnity bond, with sureties to the satisfaction of the City, conditioned upon payment of all construction costs incurred by the City in making of such improvements and all expense incurred by the City for engineering and legal fees and other expense in connection with the making of such improvements. All improvements shall be approved by the City Engineer of the City.

18.0502 Improvements

The following improvements shall be constructed as provided for in this section. Programming of improvements shall be approved by the City Engineer.

1. City Obligation. The City will construct, furnish and install at City expense the following improvements according to City specifications. Furnishing of these shall be commensurate with available City funds for such work and according to programs and priorities as established by the City Council. If the developer should desire any of these improvements sooner than the City would be able to furnish them then the costs of the following improvement shall be paid for by the developer.

   a. Street Lighting. Street lighting shall be provided by the City. If additional or other type of lighting than normally provided for by the City is requested by the developer or owner, they shall pay the increased costs thereof.

   b. Signs. Street name signs and traffic control signs shall be installed by the City.

   c. The City shall not share in the cost of watermains, sanitary sewers, storm sewers, street and alley grading, curbs and gutters, sidewalks, crosswalks paving, nor monuments except where such improvements are greater than are required to serve the immediately benefitting area.

2. Obligations of Developers. The developer shall pay the proportionate amount of the following improvements on or for his subdivision or development. Financing shall be according to Subdivision 1 of this Section.

   a. Site Grading. Necessary site grading shall be accomplished by the subdivider.

   b. Street Grading. Street grading for the full width of right-of-way shall be accomplished by the subdivider. If no site grading is to be accomplished, the street grading will be included with subsequent street improvements. Street grading shall precede any underground work. Where street grading is not to be immediately followed by street paving, the developer may be required to provide permanent

grade markers at the right-of-way line of all streets of a standard approved by the City Engineer.

c. Street Improvements. Street improvements including base, curb and gutter, boulevard sodding, inlets and leads, and paving, according to standard City specifications or as approved by the City Engineer, shall be constructed. All required underground work shall have preceded any permanent street improvements. Any improvements on a County road shall be approved by both the County and City Engineer. Temporary construction may, at the discretion of the City Engineer, be required, for just cause, on any street, streets, or portion thereof. Reconstruction or alteration in any way of existing streets affected by the plat or improvements thereupon, shall be subject to the approval of the City Engineer. All costs therein incurred, for either temporary access or reconstruction shall be borne by the owner or subdivider. Half streets, if accepted, shall be improved as directed by the City Engineer.

d. Sanitary and Storm Sewer. Where City sewer is, or will be, available at the boundary of the subdivision it shall be constructed according to City specifications. Where it is neither practical nor economical for the City to extend City sewer, private sewage disposal facilities shall be constructed according to City and State specifications. Consideration shall be given to future availability of City sewer in such installations. Such information shall be recorded on the plat and in each deed so affected.

e. Water Main. All water supply and water main construction shall be under the jurisdiction of Grand Forks - Traill Water Users, Inc.

f. Trees. Boulevard trees if desired shall be installed by the owner or developer in accordance with Planning Commission standards.

Article 6
Specifications for Preliminary Plats

18.0601 <u>Specifications for Preliminary Plats</u>

1. The following data regarding identification and description of the preliminary plat shall be provided:

   a. Proposed name of subdivision which name shall not duplicate or too closely approximate the name of any plat or existing subdivision heretofore recorded in the County.

   b. Location by section, township and range, or by other legal description.

   c. Names and addresses of the owners, subdividers and developers having control of the lands included in said preliminary plat, the designer of the plat, the surveyor and his registration number.

d. Graphic scale, not less than one inch to one hundred (100) feet or other scale as approved by the City Engineer.

e. North point.

f. Date of Preparation.

2. The following data regarding existing conditions shall be provided for preliminary plats:

a. Boundary line survey, including measured distances and angles which shall close by latitude and departure with an error of closure not exceeding one (1) foot in five thousand (5,000) feet.

b. Total acreage in said preliminary plat computed to one tenth (1/10) of an acre.

c. Location and names of existing or platted streets or other public ways, parks and other public open spaces, buildings, and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract at the time of submission of the plat.

d. If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and clock arrangement of the plat of record, along with its original name shall be indicated by dotted or dashed lines. Also, any revision or vacated roadway of the original plat of record shall be so indicated.

e. Location and size of existing surfaced streets shall be shown, as well as all railroads, sewer, watermains, gravel pits, culverts, and other underground facilities within and to a distance of one hundred (100) feet beyond the tract.

f. Boundary lines of adjoining platted or unplatted land within one hundred (100) feet beyond the tract.

g. Complete topographic map with contour intervals not greater than one (1) foot water courses, high water elevation, and date thereof (of parts of platted area that are wet or have been wet or have been subject to flooding) marshes, rock outcrops and other significant features; all superimposed on at least one print of preliminary plat. United States Geodetic Survey datum shall be used for all topographic mapping.

h. In the case of a subdivision wherein no new street is involved, the prescribed topographic map requirements shall be left to the discretion of the City Engineer.

3. The following data regarding proposed development design features of the preliminary plat shall be provided.

   a. Layout of proposed streets, alleys, pedestrian ways and easements showing right-of-way widths and proposed names of streets. The name of any street similar to or heretofore used in the City shall not be permitted unless the proposed street is an extension of an already named street in which event that name shall be used. All street names shall be subject to the approval of the Planning Commission.

   b. Layout numbers and approximate dimensions of lots and the number or letter of each block.

   c. Location and size of proposed parks, playgrounds, churches, or school. sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.

   d. Vicinity sketch at a scale of one (1) inch equals one thousand (1,000) or less feet for an area one-half (½) mile in radius of the tract to show the relation of the plat to its surroundings.

Article 7
Final Plats

18.0701 Date Required for Final Plats

The owner or subdivider shall submit a final plat together with any necessary supplementary information. The final plat shall consist of two (2) tracings and three (3) prints and shall be on a tracing cloth base or other media approved by the City Engineer, and in sheet sizes of 24 x 36 inches or other size approved by the City Engineer. The second tracing may be submitted as reproduced tracing or vandyke negative of the original.

1. The final plat shall contain the following

   a. The final plat prepared for recording purposes shall be prepared in accordance with provisions of North Dakota State Statutes and applicable City and County regulations.

   b. Name of subdivision; names shall not duplicate or too closely approximate the name of any existing subdivision.

   c. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in five thousand (5,000) feet. The location of monuments shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing

official monuments or to the nearest established street lines including true angles and distances to such reference point or monuments. Permanent monuments shall be placed at each corner of each block or portion of a clock, points of curvatures and points of tangents on street lines and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe one-half (½) inch or larger in diameter extending at least three (3) feet below the finished grade. In situations where conditions prohibit the placing of monuments in the location prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat together with accurate interior angles bearing and distances. Where practical, permanent markers shall be placed at all quarter section points within the subdivision and at its perimeter, such monuments to be concrete six by six by thirty (6 x 6 x 30) inches with an iron pipe or bronze marker case in the center.

d. Location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.

e. Boundary lines and description of boundary lines on any areas other than streets and alleys which are to be dedicated or reserved for public use.

f. Lots shall be numbered clearly. Block numbers shall be shown clearly in the center of the block.

g. Names and addresses of owner, subdividers, and developers, designer of the plat surveyor and his registration number making the plat.

h. The scale of the plat shall be not less than one (1) inch to one hundred (100) feet or other scale as approved by the City Engineer to be shown graphically, north point, and date of preparation.

i. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements".

j. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby dedicated.

2. Certifications required on final plats:

a. Notarized certification by owner and by any mortgage holder of record of their consent of the plat and the dedication of streets and other public areas.

b. Notarized certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimension and geodetic details are correct.

c. Space for Certificates of Approval to be filled in by the signatures of the Secretary and Chairman of the Planning Commission, Surveyor, the City Engineer, as prescribed by the office owner, notary public and City Auditor. The form of approval by the Planning Commission is as follows:

(1) Planning Commission Approval

The subdivision of land shown hereon has been approved by the Planning Commission of the City on _____, 19____, in accordance with the laws of the State of North Dakota, ordinances of the City and regulation of said Planning Commission. In witness whereof are set the hands and seals of the Chairman and the Secretary of the Planning Commission of the City.

_____(SEAL)
Chairman

_____(SEAL)
Secretary

(2) Certificate of Registered Surveyor

I hereby certify that this map is a true and complete survey made by me or under my direct supervision on _____, 19_____, that all dimensions, angles and bearings are correct as shown; and that all monuments are set as shown.

_____
Registered Land Surveyor
State of North Dakota Registration
Number _____

STATE OF NORTH DAKOTA GRAND FORKS COUNTY

Be it known that on this _____ day of _____, 19_____, before me personally appeared _____ and _____ and acknowledged the execution and signing of the above Certificate of Registered

Surveyor to be his (her, their) voluntary act and deed.

_____
Notary Public, Grand Forks County
North Dakota

My Commission Expires:

(3) Owners Consent and Dedication

We, the undersigned, being all the owners and lien holders of the lands platted herein do hereby voluntarily consent to the execution of said plat, and do dedicate the streets, alleys, parks and public grounds as shown thereon, including all sewers, culverts, bridges, water distribution lines, sidewalks, and other improvements on or under such streets, alleys, parks and public grounds, whether such improvements are shown or not, to the public use forever. We agree not to vacate any portion of this plat without consent of the Planning Commission and the City. We also hereby dedicate easements to run with the land for water, sewer, gas, electric, telephone or other public utility lines or services under, on or over those certain strips of land designated hereon as "Utility Easements".

_____

_____

STATE OF NORTH DAKOTA GRAND FORKS COUNTY

Be it known that on this _____ day of _____, 19_____, before me personally appeared _____ and _____ and acknowledged the execution and signing of the above Consent and Dedication to be his (her, their) voluntary act and deed.

_____
Notary Public, Grand Forks County
North Dakota

My Commission Expires:

(4) Approval by City Council

By virtue of Ordinance No. _____ passed _____, 19____, the City Council of the City, has approved the subdivision of land shown hereon; has accepted the dedication of all streets, alleys and other public ways shown hereon lying within the corporate limits of the City; has accepted the dedication of all parks and other public areas shown hereon (except those public areas specifically dedicated to other public bodies); and has ordered the vacation of streets, alleys and public ways of a subdivision previously recorded with the Register of Deeds of Grand Forks subdivision previously recorded with the Register of Deeds of Grand Forks County in Book _____, Page _____, more particularly described as follows:

(Note: Use only that part of this paragraph that is applicable to the subdivision.)

Further, said City Council has approved the streets, alleys, and other public ways and grounds as shown hereon as an amendment of the Master Street and Highway Plan and any other appropriate portion of the Master Plan of the City.

Attest: _____
City Auditor

(Note: A similar form will be required for acceptance of any streets or public lands dedicated to any governing body other than the City.)

Article 8
Variances

18.0801 General Conditions

The Planning Commission may recommend a variance from the provisions of this ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings as required herein below the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Commission finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

4. That the granting of the variance will not conflict with the intent of the Comprehensive Plan.

18.0802 Applications Required

Applications for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional date which may aid the Commission in the analysis of the proposed project. The plans for such development shall include such covenants,

restrictions of other legal provisions necessary to guarantee the full achievement of the plan.

Article 9
Penalties

18.0901 Sale of Lots from Unrecorded Plats

It shall be unlawful to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision under the jurisdiction of this ordinance unless said plan, plat or replat shall have first been approved by the City Council and recorded in the Office of the Register of Deeds of the County.

18.0902 Misrepresentations as to Construction, Supervision, or Inspection of Improvements

It shall be unlawful for any person, firm, or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City when such improvements have not been so constructed, supervised or inspected.

18.0903 Penalty

Any violation of the provisions of this ordinance shall be subject to the penalties as provided by Section 40-48-23 and 40-50-08 North Dakota Century Code.

Article 10
Amendments

18.1001 Amendments

1. The Planning Commission may from time to time adopt and amend rules and instructions for the administration of these subdivision regulations to the end that approval of plats will be expedited.

2. These subdivision regulations may be changed or amended by the City Governing Body after a public hearing, due notice of which shall have been given in a newspaper of general circulation in the City at least ten days before the date of such hearing.

3. These subdivision regulations and any amendments thereto shall be published and shall be recorded with the Register of Deeds in the appropriate county or counties as provided by law.

18.1002 Severability

If any section, paragraph, clause, phrase or part of these subdivision regulations is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of these regulations; the application of those provisions to any persons or circumstances shall not be affected thereby.

18.1003 Repeal of Conflicting Ordinances and Regulations

From and after these regulations take effect, all regulations, ordinances and parts of ordinances of the City and the City Planning Commission in conflict herewith are hereby repealed.

Article 11
Resubdivision

18.1101 Resubdivision of Lots: Duty of Planning Commission

The City Planning Commission of the City is hereby authorized and instructed to review and to approve or disapprove the resubdivision of lots within the City and in territory adjacent thereto in accordance with the laws of North Dakota.

18.1102 Planning Commission: Rules Governing

The City Planning Commission is to be governed in its review of resubdivision of lots by the laws of North Dakota and the ordinances of the City.

18.1103 Purpose

In order to provide for the proper arrangement of lots and the buildings erected thereon in relation to other existing and planned improvements; in order to provide for adequate and convenient open spaces for light and air; in order to provide for and improve public health, safety and general welfare of the City, the following rules and regulations for the resubdivision of lots within the City and territory adjacent thereto are hereby adopted.

18.1104 Resubdivision Plat: Approval Required for Recording

From and after the adoption of these regulations, no plat of the resubdivision of lots within the City or within the territory adjacent thereto designated in the Master Plan as subject to the subdivision regulations shall be filed or recorded until it shall have been acted upon by the Planning Commission and the City Council of the City and approval entered in writing on the plat.

18.1105 Definitions

Resubdivision and rearrangement shall be deemed synonymous for the purposes of this Article.

18.1106 Resubdivision Required

A resubdivision of lots must be made when the title to a portion of a recorded lot is transferred. A plat of the resubdivision shall be made and same shall be filed for record with the Register of Deeds of Grand Forks County at the same time or prior to the filing of the deed to said portion of a recorded lot.

Provided that this Section shall not apply to any past or future transfer of a portion of a recorded lot in a subdivision plat recorded in the office of the Register of Deeds prior to March 15, 1981, where a portion of the lot was first transferred, as such, previous to such date.

A resubdivision shall not be made when two or more lots of a recorded subdivision are combined in a single building lot having all boundary lines coincident with lot lines shown on the recorded plat of the subdivision.

18.1107 Penalties

Penalties for violation of these regulations shall be as provided by Section 40-48-23 and 40-50-08, North Dakota Century Code.