

Sec. 107-130. Review criteria.

Approval or disapproval of incidental subdivisions shall be given based on the following threshold guidelines:

- (1) No new street or alley is required or proposed.
 - (2) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - (3) Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
 - (4) There is adequate street right-of-way as required by these regulations and the master street plan.
 - (5) All easement requirements have been satisfied.
 - (6) All lots created by such split or readjustment shall have access on a public street.
 - (7) No substandard sized lots or parcels shall be created.
 - (8) No waivers or variances from these regulations are requested.
- (Ord. No. 2009-10, § 600.05, 9-4-2009)

Secs. 107-131—107-158. Reserved.

ARTICLE VI. LARGE SCALE DEVELOPMENTS**Sec. 107-159. Applicability.**

(a) This section is applicable to all development or building construction within the city and its official planning area other than single-family and duplex residential construction and development.

(b) A development plan is required to be submitted to the mayor or his designee for all such development or building construction regardless of zone and for all additions to existing developments or buildings regardless of zone.

(c) Single-family and duplex residential construction is specifically exempted from this requirement.

(d) Examples of facilities or construction covered, but not limited to:

- (1) New commercial, industrial, or civic development and building construction.
- (2) Additions, improvements, renovations or changes to existing buildings or developments.
- (3) Residential construction or developments other than single-family or duplex residential placed on individual lots.
- (4) The revision of land use which results in the need for access to public streets or utilities.

(e) No building permit shall be issued and no temporary or permanent connection to utilities shall be allowed until the development plan has been approved as set forth in this article. No permanent connection to utilities shall be allowed until the chief building official or the mayor or his designee has certified compliance with the approved development plan.

(Ord. No. 2009-10, § 700.01, 9-4-2009)

Sec. 107-160. Preapplication conference.

(a) *Purpose.* When the owner of a tract of land proposes its subdivision, the applicant is urged to discuss informally the intent of this subdivision with the mayor or his designee. The purpose and intent of the preapplication conference is to afford the applicant an opportunity to obtain the advice of the mayor or his designee in order to avoid unnecessary costs and delays to the applicant and to give informal guidance to the development at a stage where potential points of conflict or differences can be readily resolved.

(b) *Fees.* No fees shall be collected for preapplication conference, its purpose being to acquaint the applicant with plans and policies in effect that may be significant to his proposed project (development, construction, usage, or revision).

(c) *Sketch plans.* The applicant shall submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the proposed subdivision or project.

(d) *Discussion.* At the preapplication conference, the general character of the development will be discussed and items including zoning, utility service, street requirements, flooding and drainage, and other pertinent factors related to the proposed development and its proposed usage will be reviewed. Discussions at the preapplication conference shall not imply any approval of subsequent development plan approval.

(Ord. No. 2009-10, § 700.02, 9-4-2009)

Sec. 107-161. Application for approval.

(a) Development plans are to be submitted to the mayor or his designee pursuant to the city development calendar and shall be reviewed upon their individual merits upon specific application of the developer.

(b) The development plans shall comply with article VIII of this chapter.

(c) The mayor or his designee shall be permitted to waive certain requirements as set forth herein, depending on the size and complexity of the building or development and upon the impact which the building or development may have on the comprehensive plan composed of the master street plan, zoning ordinance, and the land use plan or any other published, current or future, plans for the city.

(1) *Application.* Complete the application provided by the mayor or his designee.

(2) *Fee.* Payment of the fee as indicated on the application.

- (3) *Plans.* The number of copies of development plans and landscaping plans as identified on the application. All appropriate items as required by article VIII of this chapter.
- (4) *Deed.* Copy of land deed showing ownership of property.
- (5) *Submittal to other departments.* The developer shall submit to the mayor or designee and representatives for the water, sewer and electrical consultants or agencies, as required by the mayor or his designee, sufficient copies of the development plan drawn to scale. The plan shall be submitted containing a development plan, landscape or planting plan, utility plan, detail sheet and erosion control plans, grading and drainage plans, and any other information required by the planning commission.

(Ord. No. 2009-10, § 700.03; 9-4-2009)

Sec. 107-162. Review and approval.

(a) *Administrative approval.*

- (1) *Applicability.* The mayor or his designee may administratively approve:
 - a. *Residential.* Any residential development not exceeding two family units; or
 - b. *Nonresidential.* Any nonresidential alteration or extension not exceeding 50 percent of the gross floor area of the existing structure. Only one such alteration or extension to a structure may be approved by the mayor or his designee without further review by the planning commission.
- (2) *Action.* Within 30 days of receipt of the complete development, landscape and construction plans by the mayor or his designee, he shall approve, approve with conditions, or disapprove said plans. If the mayor or his designee approves the plans, the mayor or his designee shall immediately issue a building permit to the developer. If the plans are approved with conditions, the conditions shall be set forth in written form to the developer. The signature of the developer on the form setting forth the conditions of approval shall be deemed his agreement to comply with said conditions, whereupon the mayor or his designee shall immediately issue the building permit. If the plans are disapproved, the reasons for such action shall be reduced to written form and supplied to the developer.
- (3) *Additional review.* If the mayor or his designee determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he shall notify the developer in writing within the 30-day period that a decision will not be made within the 30-day period, what the reasons are for the delay and the date at which a decision can be expected. A copy of said letter shall be sent the chairperson of the planning commission. If the developer objects to such an extension, said objection shall be heard as a priority item at the next regular planning commission meeting.
- (4) *Approval signatures.* All administrative approvals to any development plan shall bear the signature of the mayor or his designee upon the development plan.

(b) *Planning commission action.* All developments other than those excepted by subsection (a)(1) of this section shall be submitted to the planning commission, which shall approve, approve with conditions, or disapprove the submitted plan. The planning commission is required to take such action within 45 days of submission unless the applicant agrees to a postponement. All planning commission approvals to any development plan shall be signified by the signature on the development plan of the chairperson of the planning commission.
(Ord. No. 2009-10, § 700.04, 9-4-2009)

Sec. 107-163. Review criteria.

The mayor or his designee, planning commission or city council may refuse approval of any development plan for any of the following reasons:

- (1) *Incomplete application.* The development plan is not submitted in accordance with the requirements of this article.
- (2) *Violation of law.* The proposed development or construction would violate a city ordinance, or a state or federal law.
- (3) *Dangerous traffic conditions.* The proposed development would create or compound a dangerous traffic condition. For the purpose of this article, a "dangerous traffic condition" shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
- (4) *Lack of utilities.* Adequate water, sewer, and electrical utilities are not readily available to the property and the developer has made no provision for extending such service to the development, or the provision of these utilities cannot obtain approval by the state health department, or other appropriate department.
- (5) *Inadequate drainage conditions.* The property to be developed reflects an extreme drainage problem uncorrected by the proposed development plan.
- (6) *Other actions required.* The plans pertain to a parcel which requires prior platting or rezoning.
- (7) *Other.* Any other circumstances as determined by the planning commission.
(Ord. No. 2009-10, § 700.05, 9-4-2009)

Sec. 107-164. Adjustment and alterations.

The development plan approved by the mayor or his designee or planning commission will be deemed to be a final plan for which minor adjustments and modifications may be granted upon request of the mayor or his designee. In no event may any modifications to a development plan be made without prior approval of the mayor or his designee. Any substantial changes in the development will be in conformance with the procedures for a new submission. Determination of the gravity of the alterations will lie with the mayor or his designee.
(Ord. No. 2009-10, § 700.06, 9-4-2009)

Sec. 107-165. Expiration and extension of approval.

(a) *Expiration.* The approved development plan is conditioned upon the applicant accomplishing the following tasks within six months from the date of approval:

- (1) Receive a building permit;
- (2) Place footing; and
- (3) Receive all permits and approvals required by city, state and federal regulations to start construction of the development or project.

(b) *Extension.* Prior to the expiration of the six-month time limit, an applicant may request the planning commission to extend the period to accomplish the task by up to six additional months. The applicant has the burden to show good cause why the task could not be reasonably completed with the normal six-month time limit. Only one six-month extension will be permitted for a given project. (Ord. No. 2009-10, § 700.07, 9-4-2009)

Sec. 107-166. Appeals.

(a) *Administrative determination.* Any decision of the mayor or his designee disapproving or approving with conditions a development plan may be appealed to the planning commission, provided the developer does so within 30 days of the mayor or his designee's decision.

(b) *Planning commission determination.* Any decision of the planning commission may be appealed to the city council, provided the developer does so within 30 days of the decision of the planning commission. All such appeals shall be in writing, and shall be filed with the city clerk. (Ord. No. 2009-10, § 700.08, 9-4-2009)

Sec. 107-167. Application for building permit.

Upon approval or conditional approval of the large scale development plan, the applicant may submit an application for a building permit. The applicant shall provide the following documents prior to issuance of the building permit:

- (1) Letters of approval from AHTD, state department of health, or any other department requiring state or local government entity approval; and
- (2) Any large scale development that has over \$20,000.00 of donated assets, as determined by the engineer-of-record that is to be dedicated to the city shall provide a maintenance letter of credit, bond, or cash deposit in accordance with the requirements in section 107-40 and a warranty in accordance with the requirements in section 107-39.

(Ord. No. 2009-10, § 700.09, 9-4-2009; Ord. No. 2010-09, § 700.09, 7-26-2010)

Sec. 107-168. Final inspection.

(a) *Purpose.* The purpose of the large scale development final inspection (development final) is to ensure the completed project complies with the master street plan, subdivision ordinance, zoning ordinance, and any other, current or future, governing specifications and regulations of the city.

(b) *Process.*

- (1) *Certificate of completion.* When site construction is complete, the owner/developer's engineer-of-record shall submit a written statement certifying that all improvements and installations to the large scale development required for its approval under the terms of these regulations have been made, added, installed and are functional in accordance with city specifications.
- (2) *Development final inspection (development final).* The owner/developer's engineer-of-record shall request in writing a development final inspection, addressed to the mayor or his designee. The owner/developer shall post a one-year replacement guarantee for all vegetation planted or preserved in accordance with zoning code section 109-215(c)(2) prior to scheduling a development final inspection. No inspection shall be passed until all items are completed in accordance with subsections (c) and (d) of this section.
- (3) *Certificate of occupancy inspection (building final).* A certificate of occupancy inspection shall be scheduled only after the project has passed the development final inspection.

(c) *Completed improvements for certificate of occupancy.* The following improvements shall be complete prior to the city issuing the development final inspection and the owner/developer scheduling a certificate of occupancy inspection.

(1) *Streets.*

- a. All curb and gutter completed and backfilled.
- b. Final layer of pavement in place to required thickness and density.
- c. Pedestrian accommodations constructed per approved plan including accessible ramps.
- d. Low or ponding areas in public street corrected.

(2) *Drainage.*

- a. Drainage swales in place, sodded or concrete-lined, properly dedicated with erosion control measures in place.
- b. Detention/retention facilities to grade and draining properly.
- c. Outlet structures, pilot channels, headwalls, flumes, and other appurtenances in place and constructed to approved plans and specifications.
- d. Any needed off-site improvements or easements in place.
- e. Sodding of detention/retention ponds complete and established.
- f. Aeration facilities for retention ponds in place.
- g. All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications.
- h. Required fencing of detention/retention ponds in place.
- i. Final layer of drainage paving in place as required by approved plan, including parking lots.

(3) *Water.*

- a. All water lines in place, pressure tested and bacteriological tested safe.
- b. Meter tiles and setters in place and operational.
- c. Tracer wires in place and tested.
- d. Draft of record drawings submitted.
- e. All valves operational.
- f. Passing test results for all backflow devices provided.
- g. All backflow prevention devices installed properly and functional.

(4) *Sewer.*

- a. All sewer lines constructed to grade.
- b. Mandrel and pressure tests complete.
- c. Perform video inspection and discrepancies repaired and reinspected.
- d. All manholes complete to required elevations and vacuum tested.
- e. Sewer services marked.
- f. Lift stations operational.
- g. Tracer wires installed on force mains and tested.
- h. Lift station alarm deposit submitted.
- i. Lift station extra pump delivered.
- j. Draft of record drawings submitted.

(5) *Fire.*

- a. All hydrants and valves in place, accessible, and operational (facing street).
- b. Fire lanes marked.
- c. Building addressed (temporary).
- d. Fire flow tests.

(6) *Planning.*

- a. Final grades achieved.
- b. Seeding and sodding in place.
- c. ADA requirements met.
- d. Landscaping installed when scheduling a development final inspection between March 2 to July 14 and September 16 to November 30. Parking paved and marked.
- e. Dumpsters screened.

(d) *Exceptions for temporary certificate of occupancy.* The city may schedule a certificate of occupancy inspection to issue a temporary certificate of occupancy if the items in subsection (c) of this section are complete, but any of the following items are incomplete:

- (1) *Streets.*
 - a. Unacceptable curb sections on city streets corrected.
 - b. Joints in concrete pavement and curb and gutter cleaned and caulked.
- (2) *Drainage.*
 - a. Cosmetic work (finish grout, clean out boxes and pipes).
 - b. Final record drawings submitted.
- (3) *Water.*
 - a. Hydrants painted, as directed by the fire department.
 - b. Meter tiles adjusted to grade.
 - c. Meter setters adjusted to grade.
 - d. Valve stacks adjusted to grade.
 - e. Concrete valve operator pads installed and grouted.
 - f. Final record drawings submitted.
- (4) *Sewer.*
 - a. Cosmetic work complete.
 - b. Final as-built drawings submitted.
- (5) *Fire.* Building addressed (permanently).
- (6) *Planting.* Landscaping installed when scheduling a development final inspection between December 1 to March 1 and July 15 to September 15 if the climate and weather delay completion.

(Ord. No. 2009-10, § 700.10, 9-4-2009; Ord. No. 2010-09, § 700.10, 7-26-2010)

Secs. 107-169—107-189. Reserved.

ARTICLE VII. SURVEY STANDARDS

Sec. 107-190. General requirements.

(a) This article is provided to establish minimum standards for surveying work performed for the development of subdivisions within the jurisdiction of the planning commission.

(b) This article shall apply to all developments requiring the submittal of a preliminary or final plat to the planning commission or the mayor or his designee for review and approval.