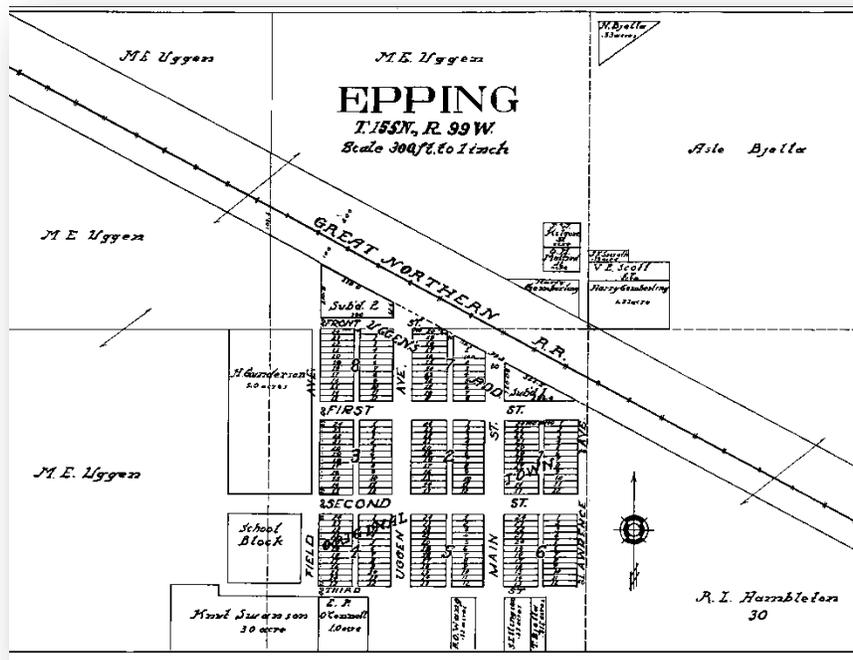


CITY OF EPPING NORTH DAKOTA

SUBDIVISION REGULATIONS

ADOPTED: JANUARY 13, 2016



ACKNOWLEDGMENTS

EPPING CITY COUNCIL

Jimmy Barker (Mayor),
Dustin Johnsrud,
Robert Johnson,
Bruce Turcotte,
Marci Damm and
Stacy Woodward – City Auditor

EPPING PLANNING COMMISSION

Dennis Johnsrud (Chairman),
Wanda Bingeman (Vice-Chair),
John Sheldon,
Kyle Damm, and
Debbie Sattler

ADOPTED

January 13, 2016

PREPARED BY:

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Appendix: Road Design Standards

City of Epping, ND
Subdivision Ordinance

I. Title

This document shall be known as the Subdivision Ordinance of City of Epping, North Dakota.”

II. Authority

This ordinance is adopted under the authority granted by Chapter 40-48 and Chapter 40-11 of the North Dakota Century Code (NDCC).

III. Purpose and Intent

These regulations shall apply to the any division of land as defined in NDCC Chapter 11-33.2-01; “The division of a lot, tract, or parcel of land, creating two or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way, whether public or private, for access to or from any such lot, tract, or parcel, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.”

This ordinance is created with the intent to promote the health, safety, moral or general welfare of the community. Furthermore, it is the intent of this ordinance to support and implement the goals, objectives and policies set forth in the City of Epping’s Master Plan and to:

1. To protect and guide the development of incorporated and unincorporated areas through efficient and orderly growth;
2. To lessen congestion in the streets;
3. To regulate the location and the use of buildings and structures and the use, or occupancy of lands for residence, recreation, and other purposes;
4. To regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, population density, and the location and use of buildings, structures, and land for trade, industry, commercial, residence, or other purposes within each district.
5. To lessen governmental expenditures,
6. To conserve and develop and protect natural resources.
7. To protect the character and heritage of the community,
8. To provide for the location of public easements,
9. To provide for the location of parks and playgrounds and open spaces,
10. To provide for the general location and extent of public utilities, and
11. Provide adequate light and air,
12. Prevent overcrowding of land,
13. Avoid undue concentration of population,
14. Facilitate adequate provisions for transportation, water, sewer, schools, parks and other public needs and requirements,

It is not the intent of this ordinance to prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching.

IV. Applicability and Jurisdiction

1. The Subdivision Ordinance applies to all properties within the city limits of Epping and within ½ mile of the City of Epping All properties within the city’s ETJ but between ½ mile and 1 mile of the city’s limits shall be reviewed and coordinated both with the City of Epping and Williams County.
2. Article 4 – Development Standards of the City’s Zoning Ordinance shall apply to the development of all subdivisions.
3. In the event that any provisions of the Zoning Ordinance shall be in direct conflict with a township zoning ordinance, the more restrictive ordinance shall apply.
4. The use of land or buildings for farming or ranching may be excluded from this ordinance upon verification that such uses or structures are in compliance with the intent of this district.

V. Minimum Requirements

The provisions of this ordinance are the minimum requirements necessary to protect the public health, safety, and general welfare, and to implement the Master Plan.

VI. Severability

If any section, provision or portion of this ordinance is declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

VII. Repeal

The existing Subdivision Ordinance of the City of Epping, North Dakota, including all amendments, is repealed with the adoption of this ordinance.

VIII. Conflicting Laws and Ordinances

If the provisions of this ordinance are inconsistent with those of a township or the state or federal government, or if the provisions of this ordinance are inconsistent with one another, the more restrictive shall control.

IX. Vested Rights

A vested right is the right to proceed with development in compliance with the previous Subdivision Ordinance. Such vested rights are established only by:

1. Having obtained a permit in compliance with the previous ordinance. Such vested rights do not expire with the permit for subdivisions in the preliminary plat review stage when the City or Planning Commissions have issued notice that the subdivision application is complete and sufficient for review; or
2. Planning Commission approval of a preliminary plat (prior to expiration) in compliance with the previous ordinance or a recorded final plat,
3. Vested rights are established for development only as it was approved. Any material change must be in compliance with the current ordinance.
4. Changes to a permit of more than 50% of the original intent or originally approved permit shall not grant a vested right to a person or persons and such shall be required to comply with the most current subdivision requirements.

X. Private Agreements

This ordinance is not intended to revoke or repeal any easement, covenant or other private agreement unless in conflict with these ordinances. However, where this ordinance is more restrictive or imposes higher standards than such easement, covenant or private agreement, the requirements of this ordinance shall govern. In no case shall the city be obligated to enforce the provision of any easement, covenant or agreement between private parties. The City of Epping may enforce private restrictions if it is a party to such restrictions, if such restrictions were required by the City of Epping during the land permitting and development process, in order to meet the requirements of this ordinance.

XI. Meaning and Intent

The language of this ordinance must be read literally. This ordinance is no more or less strict than stated. Words and terms expressly defined in this ordinance have specific meanings assigned, unless the context expressly indicates another meaning.

XII. Responsibility for Interpretation

In the event that a question arises concerning any provision or the application of any provision of this ordinance, the Planning Commission, acting under the direction of the Epping City Council shall be responsible for such interpretation and shall look to the city’s Master Plan and the overall purpose and intent of this ordinance for guidance. The Planning Commission shall provide such interpretations in writing upon request and keep a permanent record of said interpretations. Any person who disputes the Planning Commission’s interpretation may appeal to the City Council ([see Article 3, H, Appeals](#)) of the City of Epping Zoning Regulations.

XIII. Delegation of Authority

When a provision of this ordinance requires the City Council to perform some act or duty, it shall be construed to authorize the Planning Commission to designate, delegate and authorize professional level subordinates to perform the act or duty, performed under the Planning Commission’s supervision, unless the terms of the provision specifies otherwise.

XIV. Land Suitability

No land shall be developed or subdivided for a use which is held unsuitable by the City Council for reasons of soil limitations, designated flood hazard, incompatible land use or any other condition deemed likely to be harmful to the health, safety and welfare of the future residents of the area or harmful to the community unless the conditions and hazards can be mitigated or overcome by approved engineering and construction techniques or other mitigation measures.

XV. Construction Timing

A developer or landowner **shall not** engage in construction or demolition of improvements prior to approval of an application. The submittal of a building permit or any planning application does not bind the City of Epping to accept or approve any improvements that existed or occurred prior to submittal of any required application. The City of Epping shall not be responsible if improvements have to be eradicated, moved or rebuilt due to a developer, landowner or contractor making improvements prior to and/or not in conformance with this ordinance. A developer and/or landowner who choose to construct or demolish improvements prior to receiving the appropriate approval from the City does so at his/her risk and shall be subject to fines and penalties as imposed by the City Council.

No development may proceed on property until approval of a final plat by the city council and until such plat is recorded in the office of the Williams County Recorder. This includes approval of all public improvements and subject to the terms agreed to by the parties in the Development Agreement.

XVI. Burden of Proof

It is the responsibility of the developer, applicant and/or landowner to demonstrate compliance with these Ordinances.

XVII. Computation of Time

An application is not considered to be officially submitted until it is determined to be complete. When a time period is specified in this ordinance, the first day shall be the day after the Planning Commission has determined that an application is complete. (For example, if an action is to be taken within 30 days of the date an application is deemed to be completed, the time clock shall start on the day after the date the application is deemed sufficient for review).

XVIII. Facts and Findings

1. No subdivision of any lot, tract, or parcel of land shall be made; no street, buildings, structures, sanitary sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with a plat as finally approved by the City Council.
2. In determining whether a plat shall be approved or disapproved, the City Council shall inquire into the public use and interest proposed to be served by the subdivision. It shall determine if appropriate provisions are made for the health, safety, and general welfare of the public and for but not limited to the following; open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and public grounds. The council shall consider all other relevant facts and determine whether the public interest will be served by the subdivision. If it finds that the proposed plat makes appropriate provisions for the health, safety, and general welfare of the public and that the public use and interest will be served by the platting of such subdivision the development will be considered for approval,
3. The City Council shall state the grounds upon which any request for approval of plats is approved or disapproved and written findings upon which their decision is based must be included within the records of the Board.
4. The City Council may encourage and promote flexibility, sustainability, and ingenuity in the location, layout, and design of subdivisions, including attaching conditions to the approval of a plat which are in accordance with current and progressive planning principles.

XIX. Filing Procedures

Prior to filing a Minor Subdivision or Preliminary Plat application for review, the applicant shall schedule a Pre-application meeting with the Planning Commission to discuss the layout of the proposed subdivision, including but not limited to; the layout of streets, easements, open or public spaces, sensitive areas such as flood plain, right-of-ways, public grounds, bodies of water and the use and purpose of the subdivision. All required information as outline herein shall be submitted to the Planning Commission.

The Planning Commission shall distribute a copy of the plat to county agencies when developments are within the 1 mile ETJ boundary. Designated county agencies and departments (such as but not limited to; the fire district, the Auditor, the Recorder and the Surveyor shall provide input to the Planning Commission on how the plat should be prepared to comply with Century Code and county regulations.

Once the Planning Commission has determined that a plat and all supporting materials have been submitted by the applicant and that the application as a whole meets the requirements and objectives of

the Subdivision Regulations; the Planning Commission shall schedule a public hearing at which the proposed subdivision shall be discussed. Interested parties and citizens shall have an opportunity to be heard. The following requirements shall apply to all Minor Subdivision Plats and Preliminary Plats except where otherwise indicated:

1. The applicant shall submit 2 copies of a Minor Subdivision Plat or a Preliminary Plat (24"x36") & 2 (8.5"x11") copies to the Planning Commission including all required supporting materials and fees. The application shall include the purpose of the subdivision and any conditions or exceptions the applicant would like the City to consider.
2. No plat or associated application will be scheduled for review by the Planning Commission until the plat and all supporting materials are in compliance with the standards of this ordinance. The Planning Commission shall notify the applicant in writing if the application is complete or not.
3. A notice shall be sent to all landowners whose properties are **adjacent to** the subject property **at least 14 days prior to** the hearing regarding the request to subdivide the subject property.
4. The Planning Commission shall publish a notice of the time, place, and purpose of the hearing. **The notice shall be published once each week for two consecutive weeks** in the official newspaper of the City. Said notice shall describe the nature, scope, and purpose of the proposed subdivision, and shall state the times at which it will be available to the public for inspection. A copy of the notice shall be accessible at the office of the City auditor. The Planning Commission shall schedule the request for a hearing on the next possible Planning Commission meeting for which the notice requirements can be met.
5. The Planning Commission shall prepare a staff report that provides a detailed overview of the proposed subdivision, its site and its compliance with the Master Plan and this ordinance. In preparation of the report, the Planning Commission shall propose findings of fact and a recommendation of approval, approval with conditions or denial of the proposal for the Planning and Zoning Commission's consideration.
6. No plat shall be approved or disapproved by the City Council except upon receipt of a recommendation by the City planning commission. The recommendations by either the City planning commission shall not be binding on the City commissioners.
7. The Planning Commission may table an application for no more than 30 days or until the next regularly scheduled meeting unless otherwise agreed upon by the applicant. Should the Planning Commission table a request for the purpose of gathering additional information from the applicant, the request may be tabled for an indefinite period of time. An applicant may request in writing that the Planning Commission and/or the City Council table their request; such tabling of an application may not be for more than 30 days. Applicants shall notify the Planning Commission of the need for an extension or the applicant shall provide the additional information required by the Planning Commission within the 30 period.
8. Upon review of a Preliminary Plat by the Planning Commission at a public hearing, the Planning Commission shall forward a recommendation to the City Council who at a public hearing shall review the particular facts and circumstances of the proposed use and develop findings and conclusions in support of a decision. The Planning Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reason therefore. Minor Subdivision Plats are not required to be reviewed by the Planning Commission at a public hearing unless otherwise required by the Commission.

9. Should the City Council approve a Preliminary Plat, the developer may submit to the Planning Commission a Final Plat, which shall include any recommendations and/or conditions applied to the approval of the Preliminary Plat; the actions of the Planning Commission and City Council shall be noted on the Final Plat
10. Conditions may be attached to an approval that are intended to reduce or minimize any potential adverse impact upon other properties in the area, or to carry out the purpose and intent of the Master Plan and this ordinance. In such cases, any conditions shall be directly related to the impacts of the proposed use and shall be roughly proportional in both nature and extent to the anticipated impact of the use.
11. Conditional Approval of a Preliminary Plat **shall not** constitute approval of the Final Plat; rather it shall be the basis of the layout and design of the Final Plat which shall be submitted for review to the Planning Commission.
12. An approved Preliminary Plat shall be **valid for 18 consecutive months** from the date of approval by the City Council. If a Final Plat has not been submitted for review to the Planning Commission within 18 months from the time of approval of the plat said initial approval shall be null and void unless an extension of time is applied for and granted by the Planning Commission. A new application for division of the property shall be required If an extension of time is not granted.
13. An approved Final Plat shall be **valid for 18 consecutive months** from the date of approval by the City Council. If the applicant/developer/owner has not applied for or been granted permits for any of the proposed onsite and off-site improvements within 18 months from the time of approval of the plat said initial approval shall be null and void.
14. The Planning Commission shall notify the applicant of the City Council's decision within 30 days after a decision is made of the approval of a plat.
15. Upon final approval of a plat the applicant shall record the plat in the office of the Recorder of Williams County and a recorded copy retained in the office of the Epping City Auditor. Whenever plat approval is required by a jurisdiction, the recorder may not accept any plat for recording unless the plat officially notes the final approval of the governing body of the jurisdiction and acknowledgment of the planning and zoning commission (NDCC; 40-48-20, 40-48-21, 40-48-22).

XX. Preliminary Plat - Supporting Materials

A Preliminary Plat is required for the creation of a Major Subdivisions as defined herein. The applicant shall submit the following information to the City of Epping Planning Commission:

1. A completed application, signed by the owner and applicant,
2. Application fee,
3. Proof of ownership (deed, certificate of title),
4. Soils report,
5. Preliminary Plat (1 copy),
6. Existing covenants if any,
7. Draft copies of the following: proposed covenants, Homeowner's Association documents and Development Agreement, construction cost estimates,
8. Preliminary drainage report,
9. Hydrology plan,
10. Preliminary grading plan,

11. Road improvement plans,
12. Proposed sewage system data, such as comments, conditions and recommendations from the North Dakota Health Commission,
13. A letter of intent from the utility companies stating that financial arrangements are being made to install the utilities.
14. A letter from the U.S. Postal Service stating that arrangements have been made for mail services. The plat should show where mailboxes are planned to be installed.
15. A letter from the State Health Commission regarding review of the proposed water system and proposed sewer system,
16. If applicable, a written request for a variance from these regulations.
17. Subsurface conditions on the tract and results of tests made to ascertain: subsurface soil, rock, mines and ground water conditions; depth to ground water unless test pits are dry at a depth of 20 feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

XXI. Preliminary Plat - Contents

The Preliminary Plat drawing shall be prepared at a scale of 1"=100'. The plat shall include the following data and any specific conditions the applicant would like the City to consider;

A. PAGE 1: General

1. Name of the subdivision – PRELIMINARY PLAT
 - a. The name of the subdivision shall not duplicate or be similar to an existing subdivision so as to confuse the subdivision's names. The name of the subdivision shall be centered at the top of the page.
2. Legal descriptions of the proposed subdivision including ties to existing section monuments or other legally established monuments or record.
3. Topographic Data - including existing conditions,
4. Boundary lines - bearings and distance.
5. Easements -location, width, ownership and purpose.
6. The plat shall describe and set forth all the streets, alleys and public grounds; all outlots fractional outlots.
7. Delineate adjacent streets, roads, alleys, public grounds and tracts of land.
8. Adjacent streets and adjacent tracts shall show width, courses, dimensions, boundaries and extent of all streets, alleys and public grounds. Name and right-of-way width and location; type, and elevation of surfacing; any legally established centerline elevations, sidewalks, curbs, gutters, culverts, etc.
9. All lots and blocks shall be numbered in progressive numbers and their precise length, width and area shall be stated on the map or plat. The street alleys or roads that divide or border the lots must be shown on the plat or map.
10. Indicate that all outside boundary and inside monuments have been set,
11. Show all survey and mathematical information, including bearings and distances and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines.
12. Interior lot lines and exterior boundary lines must be correctly designated and show bearings on all straight lines or at angle points, central angles, radius and arc lengths for curves.
13. Names of adjoining subdivisions shall be dotted on the plat,
14. A vicinity map showing details of surrounding landmarks, roads, etc...
15. Scale (the scale must be of a dimension that the plat may be easily interpreted), north arrow,

16. Basis of bearings,
17. Date of completion of the survey and preparation of plat,
18. Demonstrate floodplain,
19. All elevations must reference a durable benchmark
20. The plat shall include: the names of all owners of record of the land.
21. Contact information of surveying, engineering firm performing work (in a legend).

B. Other pages shall include the following:

1. Location of existing and proposed utilities on and adjacent to the tract-location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines; fire hydrants, utility poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, show invert elevation of sewers.
2. Existing conditions of the property such as but not limited to: elevations, bodies of water, water courses, marshes, rock outcrops, wooded areas, isolated trees to be conserved one foot or more in diameter, houses, barns, shacks, and other significant features upon a topographic map in two (2) foot or less contours.
3. Other conditions on adjacent lands such as but not limited to; approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences that may impact the proposed subdivision.
4. Identify all recorded rivers, streams, creeks, lakes, highways, streets and alleys,
5. Names of adjacent landowners. For adjacent platted land refer to subdivision plat by name, recordation date, and number if applicable?
6. Show typical lot size and layout, dimensions of all lots scaled to nearest foot.
7. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
8. Adjacent main traffic arteries, public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airport, hospitals, churches.
9. Scale; north arrow;
10. Section, Township and Range, date of preparation of plat.
11. Proposed streets and their names, easements and roadway widths and alleys.
12. Existing streets and their names that will connect to this subdivision if applicable.
13. Preliminary grades and gradients.
14. Other rights-of-way or easements: locations, width and purpose.
15. Lot lines, lots and blocks numbered consecutively.
16. Sites, to be reserved or dedicated for parks, playgrounds, or other public uses.
17. Sites, if any for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
18. Site data; including number of residential lots, typical lot size, gross and net acres, acreage in easements, parks, designated public areas and non-buildable areas
19. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk.
20. Surveyor's stamp,
21. The property being platted needs to have a bold outline,
22. Outside boundary survey and the plat survey data must close by latitude and departure with an error that does not exceed on part in ten thousand parts.

XXII. Final Plat – Supporting Materials

A Final Plat is required for the creation of Major Subdivisions as defined herein and for the Rearrangement of lots within an existing subdivision. The following items shall be submitted with the application at the time of submittal of a plat. No application will be accepted or processed if any of these items are not submitted with the application.

1. Major Subdivision - Final Plat application,
2. Application fee,
3. Final Plat (3 copies),
4. CAD file and PDF,
5. Names and addresses of the applicants/developers having control of the lands included the designer of the plat, the surveyor and his North Dakota registration number.
6. A plat depicting the conditions, standards, comments and requirements applied by City staff, and the Planning Commission from the Preliminary Plat,
7. A performance bond or irrevocable letter of credit guaranteeing the construction of the improvements by the developer. The financial security shall be in the amount of 125% of the total estimated improvement costs.
8. Certification of Title; if ownership has changed since approval of Preliminary Plat, A notarized certificate by all parties having any titled interest or lien upon the land, consenting to the recording of the plat and the dedication of public ways, grounds and easements.
9. Profiles shall be drawn on a separate sheet to a scale and elevation on a datum plane approved by the City Engineer,
10. Final grading plan,
11. Final road plans,
12. Final drainage plans,
13. Final hydrology plan,
14. Traffic study,
15. Finalized copies of the following: proposed covenants, Homeowner's Association documents and Development Agreement, construction cost estimates,
16. Copies of all easements or right-of-ways crossing the property, including all easements accessing the subdivision to and from surrounding properties and roads.
17. Copies of any State Highway, City Highway or Township access permits,
18. When applicable, a warranty deed conveying common land to a homeowner's association or similar entity.
19. Where the proposed subdivision would alter any lot line or any portion of a recorded plat, a copy of the proper legal instrument vacating the affected portion of the original plat.
20. A copy of the agreement between the applicant and the utility companies such as electrical, gas and telephone outlining the financial arrangements that have been made to install the utilities. All utility easements shall be delineated on the final plat. If there is no agreement with a utility company the applicant shall disclose this in a written/signed statement.
21. Where the proposed improvements would encroach upon any waterways, wetlands or flood plains, evidence that the proper permits have been received from the Army Corps of Engineers or any other authorized governing agency.
22. Approval of a Storm Water Manage Plan in accordance with the city's Master SWMP and any state requirements.
23. Final Letters of review from the following agencies;
 - Rural Fire District,
 - School District,
 - Rural Water,

- State Health Commission,
- Utility companies,

XXIII. Final Plat – Contents

The Final Plat shall be prepared by a Licensed Land Surveyor in accordance with State law (NDCC, Chapters 47-20.1, 40-48-20, 40-48-21, 40-48-22) and the requirements of the regulations. The plat shall reflect the same content information as the Preliminary Plat and any conditions and/or changes as approved by the City Council. The sheet size of the plat shall be 24" x 36".

- A. The face of the Final Plat shall show the following:
1. Name of the subdivision – FINAL PLAT,
 2. Legal descriptions of the proposed subdivision including ties to existing section monuments or other legally established monuments or record,
 3. Existing legal description (last deed of record doc# included in legal description),
 4. New legal description, previous descriptions shall be ghosted in,
 5. Scale; north arrow; section, township and range, date of preparation of plat.
 6. All distances must be shown between all monuments as measured to the hundredth of a foot [0.3048 centimeter]. All lot distances must be shown on the plat to the nearest hundredth of a foot [0.3048 centimeter] and all curved lines within the plat must show central angles, radii, and arc distances.
 7. If a river, stream, creek, or lake constitutes a boundary line within or of the plat, a survey line must be shown with bearings or angles and distances between all angle points and their relation to a waterline, and all distances measured on the survey line between lot lines must be shown, and the survey line shown as a dashed line.
 8. The unadjusted outside boundary survey and the plat survey data must close by latitude and departure with an error that does not exceed one part in ten thousand parts.
 9. All rivers, streams, creeks, lakes, and all public highways, streets, and alleys of record must be correctly located and plainly shown and designated on the plat.
 10. The names and adjacent boundary lines of any adjoining platted lands must be dotted on the plat.
 11. The plat must be dated as to the completion of the survey and preparation of the plat,
 12. Any plat which includes lands abutting upon any lake, river, or stream must show a contour line denoting the present shoreline, water elevation, and the date of survey. If any part of a plat lies within the one hundred year floodplain of a lake, river, or stream as designated by the state engineer or a federal agency, the mean sea level elevation of that one hundred year flood must be denoted on the plat by numerals. Topographic contours at a two-foot [60.96-centimeter] contour interval referenced to mean sea level must be shown for the portion of the plat lying within the floodplain. All elevations must be referenced to a durable benchmark described on the plat with its location and elevation to the nearest hundredth of a foot [0.3048 centimeter], which must be given in mean sea level datum.
 13. Durable ferromagnetic monuments must be set at all angle and curve points on the outside boundary lines of the plat. The monuments must be at least eighteen inches [45.72 centimeters] in length and at least one-half inch [1.27 centimeters] in sectional dimension. Any monument of the survey must bear the registration number of the land surveyor making the survey. Any person who disturbs, removes, or destroys any survey or reference monument or landmark evidencing a property line or corner post is guilty of a class B misdemeanor.
 14. Lots and blocks shall be listed in new legal description,
 15. Vicinity map (**in black, no color**), map showing the relationship of the proposed subdivision to existing community facilities, landmarks and roads.
 16. Boundary lines - bearings and distance. This shall be drawn in a bold outline

17. Easements -location, width, ownership and purpose,
18. Delineate adjacent streets/roads and tracts of land. Adjacent streets and adjacent tracts shall show width, ownership. Road names and right-of-way widths and location; type, width, and elevation of surfacing; any legally established centerline elevations, walks, curbs, gutters, culverts, etc.

B. Other pages should include;

1. Utilities on and adjacent to the tract-location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines; fire hydrants, utility poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, show invert elevation of sewers.
2. Subsurface conditions on the tract and results of tests made to ascertain: subsurface soil, rock, mines and ground water conditions; depth to ground water unless test pits are dry at a depth of 6 feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
3. Existing conditions of the property such as but not limited to: elevations, bodies of water, water courses, marshes, rock outcrops, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features upon a topographic map in two (2) foot or less contours.
4. Other conditions on adjacent lands such as but not limited to; approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences that may impact the proposed subdivision.
5. For adjacent platted land refer to subdivision plat by name, recordation date, and number if applicable
6. Show typical lot size and layout, dimensions of all lots scaled to nearest foot.
7. Acreage to the nearest 1/100 acre of each lot or tract. Total number of lots.
8. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
9. The plat shall include: the names of all owners of record of the land.
10. Adjacent main traffic arteries, public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airport, hospitals, churches.
11. Proposed streets and their names, easements and roadway widths and alleys.
12. Other rights-of-way or easements: locations, width and purpose.
13. Sites, to be reserved or dedicated for parks, playgrounds, or other public uses.
14. Site data; including number of residential lots, typical lot size, gross and net acres, acreage in easements, parks, designated public areas and non-buildable areas
15. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk.
16. Certification by a Licensed Land Surveyor registered by the State of North Dakota. (The registered land surveyor shall certify on the plat that the plat is a correct representation of the survey that all distances are correct and monuments are placed in the ground as shown and that the outside boundary lines are correctly designated on the plat).
17. When individual on-lot sewage systems are proposed, the words, "NO PROPOSED CENTRALIZED SEWAGE SYSTEM" shall appear on the plat and on all offers, solicitations, advertisements, contracts agreements related to the subdivision.
18. When individual on-lot wells are proposed, the words, "NO PROPOSED CENTRALIZED WATER SUPPLY SYSTEM" shall appear on the plat and on all offers, solicitations, advertisements, contracts agreements related to the subdivision.

19. Where no public maintenance of proposed roads is provided, the plat shall state that, "THERE WILL BE NO PUBLIC MAINTENANCE OF STREETS OR ROADS". The Plat shall indicate the party or parties, agency or individual responsible for road maintenance of roads within the subdivision.
20. The bearing, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, and lot dimensions shall be indicated inside perimeter boundary lines.
21. All lot and blocks shall be consecutively numbered in the center of the lot or blocks.
22. Township approval signature block,
23. Signature blocks as required by the Williams County Recorder's Office.
24. All signatures on the plat shall be written in black ink and in permanent ink.

XXIV. Minor Subdivision - Filing Procedures

Prior to filing an application for review, the applicant shall schedule a Pre-application meeting with the Planning & Zoning Commission to discuss the layout of the proposed subdivision and the intended use. All required information as outline herein shall be submitted to the Planning Commission. No application will be accepted or processed if any of the information required is not submitted, such application will be considered incomplete se items are not submitted with the application.

Property previously platted under the terms of a Minor Subdivision shall not be further subdivided without complying with the Major Subdivision standards herein.

Once the Planning & Zoning Commission has determined that the plat and all supporting materials have been submitted by the applicant and that the application as a whole meets the requirements and objectives of the Master Plan and the Subdivision Regulations the plat can be recorded.

Minor Subdivisions shall be reviewed administratively by City staff and do not require review and approval of the Planning Commission and Board of Commissioners at a public hearing. Staff and/or the city's consultant shall notify the Planning Commission of all Minor Subdivision applications by email and/or at the next possible commission meeting. At the discretion of the Commission any plat may be further reviewed and discussed at a public hearing.

1. The applicant shall submit 2 copies of the Plat at (24"x36") & 2 copies at (8.5"x11") to the Planning & Zoning Commission including all required supporting materials and fees. The application shall include the purpose of the subdivision and any conditions or exceptions the applicant would like the City to consider.
2. Conditions may be attached to the approval of a plat that are intended to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the purpose and intent of the Master Plan and this ordinance. In such cases, any conditions shall be directly related to the impacts of the proposed use and shall be roughly proportional in both nature and extent to the anticipated impact of the use.
3. Upon review of the plat, the Planning Commission shall notify the applicant in writing of its decision and how the plat can be improved to meet the standards of the ordinance.
4. An approved Plat shall be **valid for 12 consecutive months** from the date of approval by the Planning Commission. If a Plat has not been recorded with the City Auditor's Office within 12 months from the time of approval of the plat said initial approval shall be null and void and a new application for division of the property shall be required.

5. Upon final approval of a plat under this section the applicant shall record the plat in the office of the recorder where the plat is located. Whenever plat approval is required by a jurisdiction, the recorder may not accept any plat for recording unless the plat officially notes the final approval of the governing body, which shall be indicated by the signing of the plat by the Chairman of the City Council (NDCC; 40-48-20, 40-48-21, 40-48-22).

XXV. Minor Subdivision - Supporting Materials

A Plat is required for all Minor Subdivisions as defined herein. The following items shall be submitted with the application at the time of submittal of a plat.

1. Minor Subdivision application,
2. Application fee,
3. Plat (2 copies),
4. CAD file and PDF,
5. A plat depicting the conditions, standards, comments and requirements applied by City staff/consultant and the Planning Commission.
6. A current title insurance policy or attorney's opinion of title. Certification of Title showing proof of ownership. A notarized certificate by all parties having any titled interest or lien upon the land and showing ownership of easements or claimants of record. All persons of interest shall consent to the recording of the plat and the dedication of public ways, grounds and easements and shall sign the plat upon recording.
7. Copies of the following if they apply: Covenants, Homeowner's Association documents and Development Agreement,
8. Copies of all easements or right-of-ways crossing the property, including all easements accessing the subdivision to and from surrounding properties and roads.
9. Copies of any State Highway, City or Township access permits,
10. When applicable, a warranty deed conveying common land to a homeowner's association or similar entity.
11. Where the proposed subdivision would alter any lot line or any portion of a recorded plat, a copy of the proper legal instrument vacating the affected portion of the original plat.
12. Where the proposed improvements would encroach upon any waterways, wetlands or flood plains, evidence that the proper permits have been received from the Army Corps of Engineers or any other governing authority.
13. Any person who disturbs, removes, or destroys any survey or reference monument or landmark evidencing a property line or corner post is guilty of a class B misdemeanor.
14. At the discretion of the Planning Commission, if any of the following are required as part of the review of a plat, the plat may be reconsidered as a Major Subdivision:

- a) Final grading plan,
- b) Final road plans,
- c) Final drainage plans,
- d) Final hydrology plan,
- e) Traffic study,

XXVI. Minor Subdivision – Contents

A plat shall be prepared by a Licensed Land Surveyor in accordance with State law (NDCC, Chapter 47-20.1) and the requirements of the regulations. The sheet size of the plat shall be 24” x 36”. The face of the Plat shall show the following:

1. Vicinity map (**in black, no color**), map showing the relationship of the proposed subdivision to existing community facilities, landmarks and roads.
2. Existing legal description (last deed of record doc# included in legal description),
3. New legal description, including ties to existing section monuments or other legally established monuments or record (previous descriptions shall be ghosted in),
4. Lots shall be listed in new legal description,
5. Scale; north arrow; date,
6. Section, Township and Range, date of preparation of plat.
7. The plat shall include: the names of all owners of record of the land.
8. All distances must be shown between all monuments as measured to the hundredth of a foot [0.3048 centimeter]. All lot distances must be shown on the plat to the nearest hundredth of a foot [0.3048 centimeter] and all curved lines within the plat must show central angles, radii, and arc distances.
9. If a river, stream, creek, or lake constitutes a boundary line within or of the plat, a survey line must be shown with bearings or angles and distances between all angle points and their relation to a waterline, and all distances measured on the survey line between lot lines must be shown, and the survey line shown as a dashed line.
10. The unadjusted outside boundary survey and the plat survey data must close by latitude and departure with an error that does not exceed one part in ten thousand parts.
11. All rivers, streams, creeks, lakes, and all public highways, streets, and alleys of record must be correctly located and plainly shown and designated on the plat.
12. The plat must be dated as to the completion of the survey and preparation of the plat,
13. The names of any adjoining platted lands must be dotted on the plat.
14. Any plat which includes lands abutting upon any lake, river, or stream must show a contour line denoting the present shoreline, water elevation, and the date of survey. If any part of a plat lies within the one hundred year floodplain of a lake, river, or stream as designated by the state engineer or a federal agency, the mean sea level elevation of that one hundred year flood must be denoted on the plat by numerals.
15. Topographic contours at a two-foot [60.96-centimeter] contour interval referenced to mean sea level must be shown for the portion of the plat lying within the floodplain. All elevations must be referenced to a durable benchmark described on the plat with its location and elevation to the nearest hundredth of a foot [0.3048 centimeter], which must be given in mean sea level datum.
16. Durable ferromagnetic monuments must be set at all angle and curve points on the outside boundary lines of the plat. The monuments must be at least eighteen inches [45.72 centimeters] in length and at least one-half inch [1.72 centimeters] in sectional dimension. Any monument of the survey must bear the registration number of the land surveyor making the survey.
17. Boundary lines - bearings and distance. This shall be drawn in a bold outline
18. Easements -location, width, ownership and purpose,

19. Delineate adjacent streets/roads and tracts of land. Adjacent streets and adjacent tracts shall show width, ownership. Road names and right-of-way widths and location; type, width, and elevation of surfacing; any legally established centerline elevations, walks, curbs, gutters, culverts, etc.
20. Existing conditions of the property such as but not limited to: elevations, water courses, marshes, rock outcrops, wooded areas, houses, barns, shacks, and other significant features upon a topographic map in two (2) foot or less contours.
21. For adjacent platted land refer to subdivision plat by name, recordation date and number if applicable.
22. Show typical lot size and layout, dimensions of all lots scaled to nearest foot; total number of lots.
23. Acreage to the nearest 1/100 acre of each lot or tract (gross and net acres).
24. Adjacent main traffic arteries, public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airport, hospitals, churches.
25. Names and addresses of the applicants/developers having control of the lands included the designer of the plat, the surveyor and his North Dakota registration number (Legend).
26. Existing streets and their names, easements and roadway widths and alleys and other infrastructure, on and off-site improvements that may be connected to this division.
27. Other rights-of-way or easements: locations, width and purpose.
28. Certification by a Licensed Land Surveyor registered by the State of North Dakota. (The registered land surveyor shall certify on the plat that the plat is a correct representation of the survey that all distances are correct and monuments are placed in the ground as shown and that the outside boundary lines are correctly designated on the plat).
29. The bearing, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, and lot dimensions shall be indicated inside perimeter boundary lines.
30. All signatures on the plat shall be written in black permanent ink.
31. Primary control points or descriptions and ties to such control points to which all dimensions, bearings and similar data on the plat shall be referred.
32. Corner records (this shall be accomplished prior to recording the final plat and in compliance with the Survey and Corner Recordation Act). NDCC 47-20.1
33. Signature blocks (APPENDIX...)

XXVII. Criteria for Approval of a Minor Subdivision:

In compliance with Sections I-XIX above, the following criteria shall be utilized to determine the feasibility of dividing land under the Minor Subdivision process.

1. Has the land been previously divided as a Minor Subdivision,
2. Land previously divided as a Minor Subdivision shall comply with the Major Subdivision standards, which includes the preliminary plat process.
3. Does the division of land allow compliance to the applicable zoning district and development standards,
4. Is there a need to manage storm water run-off due to an increase in impervious surface area.

XXVIII. Rearrangements of Lots:

At the discretion of the City Council the Rearrangement of lots may not require the submittal of all of the supporting materials of a Major Subdivision unless the rearrangement;

- a) Alters the intent of the initial,
- b) Increases the amount of lots approved,
- c) Reduces the size of the lots altered by more than 25%,

- d) Increases capacity to storm water management plan,
- e) Impacts water and sewer capacity,
- f) Reduces the value of the Letter of Credit,
- g) No more than 25% of the lots within a subdivision may be rearranged before a new Preliminary Plat shall be required for the entire subdivision,
- h) Reduces the average lot size by less than 25%,
- i) No lot or tract of land may be reduced in size that contains an existing septic or well on site or which was designed but not currently developed to have a septic or well system on it,
- j) Increases the length of roads providing access and extends easements beyond what was granted or approved,

Rearrangements shall follow the Minor Subdivision submittal process but only require a review and approval from the city council. The submittal of the proper vacation instrument reflecting the changes to platted lots shall be submitted with the rearrangement of lots.

XXIX. Administrative Subdivision Review Procedures:

The following changes to existing parcels of land inside and outside of a platted subdivision (Lot Line Adjustments, Aggregations of land, Farm Exemptions and divisions as a result of a Court Ordered Divisions shall comply with the Minor Subdivision review process along with meeting the following requirements:

- a) All divisions under this section shall be executed via a certificate of survey and a deed of transfer to be filed with the County Recorder’s office.
 - b) All surveys shall be reviewed and approved by the Planning Commission.
 - c) All lots created through this process shall comply with the zoning requirements of this ordinance.
 - d) Development on lots created through this process shall comply with the zoning and development standards of this ordinance.
 - e) All development on lots created through the use of an exemption process shall comply with the applicable Development and Performance Standards of the city’s Zoning Ordinance.
1. Lot Line Adjustments: Lot line adjustments are the change of an existing platted interior boundary line between two or more adjoining lots meeting the following criteria:
 - a) Adjustments shall not occur between lots, parcels or tracts of land where such parcels do not have the same zoning classification;
 - b) The adjustment is not one in a series of lot line adjustments,
 - c) No parcel, lot or tract of land may be altered or adjusted more than once without having to comply at a minimum with the Minor Subdivision standards herein, and
 - d) There is no increase in the number of lots being adjusted in a subdivision.
 - e) The adjustment of lots does not create lots that are smaller than the original lots within the subdivision,
 2. Aggregation of Lots: An aggregation of lots is the combination of two or more existing lots into fewer lots meeting the following criteria:
 - a) The aggregation does not involve the vacation of existing easements without proper vacation of such easements and written approval from all landowners having interest in the easement. Easements shall be replatted on a lot if such easement is intended as access or use for utilities and is of interest or benefits to others within the subdivision; and
 - b) The aggregation does not involve lots with more than one zoning classification.

3. Farm Exemption: A farm exemption is the division of one parcel of land from a working farm or ranch to be conveyed to an adjacent farm or ranch property meeting the following criteria:
 - a) The parent parcels are located in the Agricultural District;
 - b) The parent parcel is a minimum of 40 acres in size;
 - c) The parent parcel shall remain a minimum of 40 acres in size;
 - d) The parcel to be conveyed shall increase the receiving to at least 40 acres in size;
 - e) Divisions of land that create parcels of land that are 40 acres or larger, which are used solely for agricultural uses;
 - f) All future divisions of either parcel shall be reviewed as a subdivision of land as specified herein.

4. Family Farm Exemption: A family farm exemption is the division of one parcel of land from a working farm or ranch to be conveyed to a child (by blood, marriage or adoption) of the farm or ranch family:
 - a) The parent parcel is located in the Agricultural District;
 - b) The parent parcel is at least 20 acres in size;
 - c) The parcel to be conveyed shall be at a minimum of 2 acres in size;
 - d) Such parcels of land shall not be used for non-farm or ranch related uses without for acquiring a change in zoning;
 - e) All future divisions of either parcel shall be reviewed as subdivisions.
 - f) The parent parcel and the new parcel can both be described by the aliquot quarter section after the division.
 - g) The subdivision does not require or create any part of one or more new streets, roads, public easements or right-of-ways.
 - h) Proof of the child's relationship to the owner of the land by blood, marriage or adoption.

5. Court Ordered Divisions, Additional Standard: Court ordered divisions are divisions of land ordered by a court of competent jurisdiction in the State of North Dakota that meet the following criterion:
 - a) Proof that a court has ordered the division of land shall be submitted along with a survey and deed(s) of conveyance for review by the Planning Commission, and City Auditor and State's Attorney Office.

A division of land that **does not** meet all of the above standards and the entire additional standards specific below shall be reviewed as Minor or Major Subdivisions.

Plats used under this section shall be executed via a plat or survey and a deed of transfer filed with the office of the County Recorder after review and approval by the city.

XXX. Development Agreement:

When public or private improvement are necessary to serve the subdivision, the City Council shall require the developer to enter into an Agreement with the City in the format established by the City as part of the approval of a Final Plat. The agreement shall include at a minimum:

- a) A financial security in the form of an irrevocable Letter of Credit, Performance Bond or Cash in Escrow; in the amount of 110% of the total cost of improvements as estimated by a licensed North Dakota Engineer. The Development Agreement form shall be provided to an applicant at the time of submittal of a Preliminary Plat.

XXXI. Phased Development:

A phased development is intended to allow a developer flexibility in the degree to which a development progresses and is completed. The following criteria shall be complied with:

1. A phasing plan detailing all phases shall be submitted with the Phase One Preliminary Plat application. The Phasing Plan should also include information on the public facility improvements that will be required for each phase and when those improvements will be completed.
2. Phased developments must be approved at the Preliminary Plat stage. Each phase may be platted individually or in its entirety. If a development is platted in its entirety then upon approval of that plat the **18 month** time period of approval begins.
3. Each phase must be fully capable of functioning with all the required improvements in place to support the phase in the event future phases are not completed or not completed in a timely manner.
4. Approval of a particular phase does not guarantee approval of any subsequent phase. Each phase must meet all of the requirements of this ordinance.
5. Modifications to an approved phase that do not materially change the impacts on adjoin property or require changes to an approved preliminary plat and its conditions may be approved by the Planning Commission. All other modifications or changes that alter the layout, density, infrastructure capacity and needs, right-of-way, easements or changes that impact surrounding landowners and/or lots within the subdivision shall require full review by the Planning Commission and City Council.

XXXII. Subdivision Variances

A variance is an easing of the provisions of this ordinance that will not be contrary to the purpose and intent of this ordinance or the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed through the Subdivision Ordinance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. The following procedure shall be used for the administration of variance requests:

1. Application Procedure
 - a) Unless waived by the Planning Commission during another permit process, such as during review of a ZVL application, the developer shall first submit a pre-application form and follow the pre-application process. At or following the pre-application meeting or during ZVL review, the Planning Commission may grant an administrative variance pursuant to subsection 2 below or notify the developer that the variance will require further review by the Planning Commission, who at its discretion recommend review by the city council.
 - b) For those variances that do not qualify for an administrative variance, the developer shall submit a properly completed variance application form alone or with a preliminary plat or site plan or other land use application describing the variance request in light of the evaluation criteria below, any supporting materials explaining why the variance is necessary as well as the nature of the hardship, and the required application fee.
 - c) After receiving the application, supporting materials and fee, the Planning Commission shall determine whether the application is complete and sufficient. When an application is

determined incomplete or insufficient, the Planning Commission shall provide written notice to the developer indicating what information must be submitted for the review to proceed. The Planning Commission will not take any action on the application until the required information is submitted. If the required information is not submitted within 60 days, the Planning Commission shall return the application to the developer.

- d) The Planning Commission shall place a public hearing on the petition for an amendment on the agenda of the next regular Planning and Zoning Commission meeting for which the notice requirements can be met, and at which time allows for its proper consideration.
- e) Notice of the public hearing shall be mailed **at least 14 days** prior to the hearing to all landowners whose properties are adjacent to the subject property. Notice shall contain the information described in (g) below.
- f) Notice of the date, time, place and purpose of the public hearing shall be published **once each week for two consecutive weeks** in the official newspaper of the City, and in such other newspapers published in the City as the Planning Commission may deem necessary. Notice shall describe the nature, scope and purpose of the proposed variance, and shall state the times at which the application materials will be available for public inspection. A copy of the public notice and application materials shall be accessible at the office of the City Auditor.
- g) The Planning Commission shall prepare a staff report that provides a detailed overview of the proposed variance, its site, context, an evaluation of the request under the variance criteria and a recommendation for approval, approval with conditions, or denial. In preparation of the report, the Planning Commission may seek input from other City or state agencies and service providers.
- h) The Planning and Zoning Commission shall conduct a public hearing on the proposed variance. At that hearing, the Planning and Zoning Commission shall review the particular facts and circumstances of the proposed use and develop findings and conclusions in support of its recommendation. If the Planning and Zoning Commission finds that it complies with the evaluation criteria listed below, it shall recommend approval of the application. If the Planning and Zoning Commission finds that the proposed variance fails to comply with such criteria, it shall recommend denial of the application or conditionally approve the request with additional stipulations.
- i) The Planning and Zoning Commission, on its own motion for purposes of gathering additional information or at the request of the developer, may table consideration of a variance request for no more than 30 days or until its next regularly scheduled meeting. If the item is tabled and announced tabled at the meeting, no additional notice is required for the item to be heard at the future meeting. Any information requested of the developer by the Planning and Zoning Commission must be submitted to the Planning Commission according to any timeframes set by the Planning and Zoning Commission.
- j) Following the public hearing, the Planning Commission shall forward the comments and recommendations of the township and the Planning and Zoning Commission to the City Council.
- k) The City Council shall conduct a hearing on the proposed variance. At that hearing, the City Council shall review the particular facts and circumstances of the variance request and develop findings and conclusions in support of its decision. If the City Council finds the request complies with the evaluation criteria, it shall approve or conditionally approve the

application. If the City Council finds that the proposed variance fails to comply with such criteria, it shall deny the application or conditionally approve the request with additional stipulations.

- l) Conditions may be attached to an approval that are intended to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the purpose and intent of the Master Plan and or this ordinance. Such conditions may address the establishment, location, construction and operation of the proposed use in order to promote and protect the public health, safety and general welfare. All conditions shall be directly related to the impacts of the proposed use and shall be roughly proportional in both nature and extent to the anticipated impacts of the use.
- m) The City Council shall notify the developer and the applicable township board of supervisors of the City Council' decision within 30 days of it being made.
- n) Development related to variance requests shall be complete within two years of approval, but may be extended for one additional year by the Planning Commission if so requested by the developer no less than 30 days prior to expiration of the variance approval.

2. Evaluation Criteria.

Both Commissions shall base their findings upon evidence presented and shall only grant a variance when all of the following criteria are met:

- a) A literal enforcement of the ordinance would result in unnecessary and undue hardship, great practical difficulty or injustice;
- b) Special conditions and circumstances exist which are peculiar to the land (e.g., size, shape topography, existing easements), structure, or building involved and do not generally apply to other lands, structures, or buildings in the same district;
- c) That granting the variance will not be detrimental to the public health, safety, and welfare or injurious to other properties in the area;
- d) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- e) Special conditions and circumstances do not result from the actions of the applicant or any person presently having an interest in the property;
- f) Granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
- g) The variance would be the minimum necessary to allow for the reasonable use of the land; and
- h) The variance shall not be contrary to the purpose and intent of this ordinance.

XXXIII. Administrative Variance

The Planning Commission shall have the authority to reduce specific design and development standards of this ordinance where the purpose and intent of this ordinance can still be achieved and where granting a waiver of such standards does not provide the applicant and/or landowner additional privileges or advantages more than what others may have without granting a waiver. This type of variance does not require a public hearing.

1. At the discretion of the Planning Commission and in collaboration with applicable city and county agencies, a variance may be granted for the following but in no case shall these standards be completely eliminated:
 - a) A reduction in the minimum front, side and/or rear setbacks on a single lot is the minimum amount in order to allow the site to be properly developed according to all other applicable development standards of this ordinance and those of the city zoning ordinance.
 - b) A reduction in the amount of required parking spaces with exception to the required amount of handicap spaces,
 - c) Landscape standards,
2. The authority to grant a waiver shall be limited to that necessary to overcome development issues arising from existing natural conditions, geographical, topographical and conditions of the land such as configuration of the land or natural conditions determined to be non-conforming as of the adoption of this ordinance or the zoning ordinance.
3. The allowed reduction in standards for an administrative variance is limited to a maximum of 25% of the minimum standards being waived; greater reductions shall require a recommendation to the city council.
4. The allowed reduction in standards for an administrative variance is the minimum necessary to make possible the legal use of the lot and/or building.
5. A variance shall not be granted to permit a use of a lot, building or both which is not a Permitted Use in the applicable zoning district.
6. A literal enforcement of the ordinance would result in unnecessary and undue hardship, great practical difficulty or injustice;
7. Special conditions and circumstances exist which are peculiar to the land (e.g., size, shape topography, existing easements), structure, or building involved and do not generally apply to other lands, structures, or buildings in the same district;
8. That granting the variance will not be detrimental to the public health, safety, and welfare or injurious to other properties in the area;
9. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
10. Special conditions and circumstances do not result from the actions of the applicant or any person presently having an interest in the property;

11. Granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
12. The variance would be the minimum necessary to allow for the reasonable use of the land; and
13. The variance shall not be contrary to the purpose and intent of this ordinance.

XXXIV. Modifications and Vacations of Plats

Modifications and vacations of recorded plats shall be reviewed and subject to approval by the City Planning Commission and Council. Vacations of recorded plats shall be governed by NDCC Chapter 40-50.1. Modifications constitute any change or changes to a recorded plat or survey.

XXXV. Appeals

1. Appeal of the Planning Commission's decision to the City Council:
 - a) The City Council shall hear the appeal of any person, firm or organization aggrieved by a decision or ruling of the Planning Commission when there are alleged errors in the administration of this ordinance.
 - b) The appellant must file with the City Auditor a letter of appeal within 30 days of publication of the Planning Commission's decision. The letter shall state the decision made by the City and the details of that decision that the appellant disagrees with.
 - c) The City Council shall hold the appeal hearing no sooner than seven days and no later than 30 days after the letter of appeal is filed. The City Auditor shall notify the appellant of the date, time and place of the hearing.
 - d) The City Council shall publish notice of the appeal hearing in the official newspaper of the city **at least seven days prior to** the hearing and notice shall be mailed to all landowners whose property is adjacent to the subject property **at least seven days prior to** the hearing.
 - e) The Planning Commission shall transmit to the City Council a copy of all information relative to the appealed action.
 - f) An appeal stays all proceedings in furtherance of the appealed action unless the Planning Commission certifies to the City Council that the stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed except by a restraining order which may be granted by the City Council or by a court of record.
 - g) At the hearing, the City Council shall review the particular facts and circumstances of the appeal and develop findings and conclusions in support of its decision.
 - h) The City Council may reverse or affirm, in whole or in part, or may modify, the decision appealed of the Planning Commission and shall provide a decision that in their opinion reflects the spirit of the ordinance and that the health, safety and welfare of the community has been secured, and substantial justice done.
 - i) The City Council shall mail to the appellant a copy of its decision, findings and conclusions within 30 days of the hearing.

2. Appeal of a decision of the City Council:

Any person or persons, jointly or severally, aggrieved by a decision of the Board of City Commissioners under this ordinance, may appeal to the district court in the manner provided in 28-34-01, North Dakota Century Code.

XXXVI. Design Standards

For the health, safety and welfare of the citizens of the City of Epping and adjacent landowners within ½ mile of the city limits of Epping these design standards have been adopted. Unless otherwise agreed upon, the City of Epping shall not be responsible for the construction, maintenance or financing of roads or infrastructure or facilities related to the development of a subdivision or non-residential development.

The developer of a subdivision shall agree to develop his/her project in accordance with the standards of this ordinance and those identified in the Development Agreement. This ordinance represents the minimum standards required for approval of a development, the City may at its discretion during the public hearing process, conditionally approve of a development so as to additional standards to the development of a project in order to make comply more with the intent of this ordinance and the City’s Master Plan. A detail of the conditions of an approval shall be noted in the Development Agreement and upon the plat as reasonably can be represented.

The developer and/or landowner who is responsible for the improvement of the land being changed shall be responsible for the layout and construction of all public streets, alleys, water and sewer lines, utilities and all improvements to the property in order to make the development livable and in compliant with city standards. This ordinance shall apply to all subdivisions, trailer parks, mobile home parks and commercial and industrial developments.

1. Streets:

- a) The layout, design and engineering of all streets shall conform to road standards adopted by the city. Proposed streets shall align with existing roads when possible in order to provide for consistency of vehicular flow, continuation of traffic and continuation of road names. Continuity in the design of roads shall be based on the best engineering practices, safety, topography and the practicality of the proposed use or uses.
- b) Where a subdivision borders on or contains railroad right-of-way or is limited by highway access, the Planning Commission shall have the right to suggest other alternatives for safer access.
- c) Street centerline offsets are discouraged and may only be granted upon approval of the city’s engineer.
- d) Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than (80) eighty degrees.
- e) Street right of way widths shall be as listed below, but greater widths may be necessary at the discretion of the city engineer and city council:

Street Type	Right-of-way Width
County Roads	150 ft.
Township Roads	66 ft.
Major Arterial Roads	80 ft.
Minor Arterial (Rural interior subdivision) Roads	66 ft.

Urban Streets	66 ft.
Alleys	40 ft.
Minimum access to single lots	30 ft.

- f) Half streets shall be prohibited except where essential to the reasonable continuation of another phase of the same development and/or when connection to a development that adjoins or will adjoin the proposed development and such continuation of phasing or adjoining of two separate developments will occur within two years of approval of the most recent development.
- g) Permanent dead end streets shall not be longer than 500 ft.
- h) No street names or numbers shall be used which will duplicate or be confused with existing names or numbers of existing streets within the city or county. Street names/numbers shall be approved at the time of Preliminary Plat approval.
- i) Streets running vertical (north/south) shall be numbered within the numbering range of the township roads they are between based on their location and shall have the suffix (Ave.) Avenue. Streets running horizontal (east/west) shall be numbered within the numbering range of the township roads they are between based on their location and shall have the suffix (St.) Street.
- j) Roads may be given a proper name if the numbering of such road conflicts with the (Name/Number) of an existing road or street in the city or county or if the numbering of that road crosses over existing roads numbers that would cause confusion as to the location of the roads.

2. Alleys

- a) Alleys may be provided in commercial, industrial and/or residential districts. Industrial or commercial alleys shall be designed to be wide enough to act as service areas for rear deliveries (loading/unloading), temporary parking, A/C units or other mechanical systems.
- b) Adequate turn-around capacity shall be provided in alleys that dead end. Dead end alleys are prohibited unless justified and approved by the Planning Commission.

3. Easements

- a) Easements on a lot, tract or parcel of land within a subdivision shall be centered on the rear, side and/or front property lines at a width large enough to accommodate the utility lines (water, sewer, cable, etc...) needed to service the uses within the development.
- b) No permanent structures, foundations or heavy equipment shall be placed or stored on any easement. Fences are acceptable but may be removed when and if maintenance of such utilities is necessary.
- c) The placement of easements across unplatted properties shall be determined by the property owner and in agreement with the owner of the easement. Placement of such easements shall be identified and notice given to the city council by way of a recorded easement. No easement shall traverse a parcel of land without the consent of the landowner.
- d) Where a subdivision is traversed by a water course, drainage way, river, stream, creek, lake or floodplain there shall be provided a storm water easement or drainage way conforming to the contours of such water courses. The width of such easements shall be adequate for the purpose of protecting and defining the water course or body of water. Development around such water courses shall be reviewed by the appropriate federal agency to ensure that inappropriate encroachment or disturbance does not occur.

Details for the following required improvements are detailed in Article 4 – Development Standards of the 2015 Zoning Ordinance. Further details and specifications may be added to these subsections as

deemed necessary by the city council and city engineer; such standards and specifications shall be added as an addendum to Article 4.

- Blocks;
- Lots;
- Parks and Open Space;
- Storm Drainage;
- Erosion Control;
- Grading and Drainage;
- Water Supply;
- Solid Waste;
- Wastewater Disposal;
- Solid Waste;
- Traffic Impact Assessment (Study);

XXXVII. Survey Monuments

- a) Durable ferromagnetic monuments must be set at all angle and curve points on the outside boundary lines of the plat. The monuments must be at least eighteen inches [45.72 centimeters] in length and at least one-half inch [1.27 centimeters] in sectional dimension. Any monument of the survey must bear the registration number of the land surveyor making the survey. (NDCC 40-50.1-02)
- b) All existing survey control monuments which are disturbed, lost or destroyed during construction shall be replaced by a ND registered surveyor at the expense of the developer. All monuments depicted on the plat shall be in place at the time of any acceptance for roads and/or improvements by the city.
- c) Monuments shall be placed at all block corners, angles points, points of curves in streets and at intermediate points. The monuments shall be of such material, size, length and capped with a Registered Land Surveyor's registration number registered in North Dakota.

XXXVIII. Definitions

For the purpose of this ordinance certain words or phrases used herein are defined as follows, words not defined herein that may apply to the development and division of land may be further defined in the city's Zoning Ordinance:

1. **Access** – The way by which pedestrians and vehicles shall have safe and adequate ingress and egress to the property.
2. **Adjacent** – Touching, contiguous and for the purposes of meeting public notice requirements, located directly across a street, alley or right-of-way from the subject property.
3. **Advertising Sign** – See Sign.
4. **Aggregation of Lots** – The combination of two or more existing lots into fewer lots that does not involve the vacation of existing easements and does not involve lots with more than one zoning classification.
5. **Agriculture** – The use of land for agricultural purposes, including the necessary buildings or structures for farm or farm labor use. Agriculture shall include farming, ranching, dairying, pasturage, horticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided however, that the operation of such accessory uses shall be secondary to that of normal agricultural operations.

6. **Alley** – A public way which provides only secondary access to abutting property.
7. **Amendment** – Any change, revision or modification of the text of the ordinance or to the Zoning District Map.
8. **Average Daily Traffic (ADT)** – The average number of vehicles crossing a specific point on a roadway during a 24-hour period on the average working day. The projected or estimated ADT for a development shall be based on the most representative land use(s) described in the manual entitled “Trip Generation” (latest edition) published by the Institute of Transportation Engineers, or a similar source.
9. **Billboard** – A sign advertising products, services or businesses located off-premises on which the sign is located with a surface on which temporary poster panels or painted bulletins are mounted for the purpose of conveying a visual advertising message.
10. **Block** – An area of land bounded by streets or a combination of streets, railroad rights-of-way, cemeteries, parks, waterways or the boundary lines of local governments.
11. **Board of Adjustment** – A body empowered to hear zoning variances and appeals on the enforcement and interpretation of the provisions of this ordinance. The City Council is the City of Epping Board of Adjustment.
12. **Building** – Any structure intended for shelter and use of persons, animals or property.
13. **Building Height** – The vertical distance from the average of the finished grade of a building footprint to the highest point on a building. Building height excludes chimneys, vents and antennae.
14. **Commercial Parking Lots and Facilities** - A parcel of land or portion thereof that is operated as a business enterprise, which may charge a fee for the parking or storage of motor vehicles, by the hour, day, or month that is a secondary use on the same parcel.
15. **Master Plan** - The City of Epping Master Plan. A guide for the management of the physical resources and development of the county.
16. **Conditional Use** – Any use to which the City Council may set specific conditions, all of which must be met prior to the approval of said use in the district.
17. **Construction Sign** - A sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed together with other information included thereon.
18. **Court Ordered Divisions** – Divisions of land ordered by a court of competent jurisdiction in the State of North Dakota.
19. **Destroy** – An act which permanently impairs or makes unusable the object of the act. A building is considered destroyed when greater than 50% of the physical structure (measured by square footage) is damaged by fire, explosion, flood, tornado, riot, act of the public enemy or accident of any kind.
20. **Developer** – Developer is a generic term used in this ordinance which means the landowner or person or firm who proposes to develop land. The developer may appoint a representative for all proceedings by this ordinance.
21. **Development** (See Article 3, Permits Required) – A material change in the type of use of land, building or structure; construction of a building or structure or the reconstruction or alteration of the size of a building or structure; A material increase in the intensity of the use of land; commencement of extraction or excavation, clearing or grading on a parcel of land; and reinstatement of a use which has been abandoned for more than a period of two years; also, the division of land into two or more parcels.
22. **Dwelling** – Any building or portion thereof intended for residential purposes on a permanent basis.
23. **Dwelling, Duplex or Two Family** - A building designed to house two households living independently of each other in separate dwelling units but having one yard in common.
24. **Dwelling, Multiple Family** – A building having accommodations for and occupied exclusively by more than two households on a permanent basis, which may include apartments, townhouses

or condominium buildings.

25. **Dwelling, Single Family** – A detached building designed for occupancy by one household. Also includes manufactured homes that (a) comply with the National Manufactured Home Construction and Safety Standards Act or the Uniform Building Code at the time of production, (b) are at least 1,000 square feet in size, (c) are attached to a permanent foundation, (d) are connected to public water and sewer where available, (d) have a pitched roof, eaves and siding materials that are customarily used on site-built homes in the County of , and (e) are built offsite in a factory on or after January 1, 1990. Recreational vehicles, mobile homes and travel trailers are not single family dwellings for the purposes of this ordinance.
26. **Dwelling Unit** – A space providing private living quarters for one household. A dwelling unit may include individual cooking and sanitation facilities. An apartment, single family residence and travel trailer are examples of dwelling units.
27. **Easement** – A grant by the property owner to the public, a corporation, or persons, of the use of land for specific purposes.
28. **Free Standing Sign** - A sign so located that it is not attached to a building, fence or any structure other than a framework, post or other such device erected primarily to support the sign. A freestanding sign is also a pole sign.
29. **Final Plat** – A plan or map prepared in accordance with the provisions of the subdivision regulations portion of this ordinance which is prepared to be recorded in the Register of Deeds office.
30. **Ground Sign** - a sign that is mounted directly on the ground and/or using posts that extend not more than twelve (12) inches above ground level.
31. **Hazardous Waste** - Any waste or combinations of wastes of a solid, liquid, contained gaseous, or semi-solid form as further defined in N.D.C.C., Section 23-20.3-02 and N.D.C.C. 33-24-02.
32. **Height** – see building height.
33. **Improvements** – Street grading and surfacing, curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, buildings, structures, utilities, infrastructure, survey monuments and other facilities.
34. **Landfill** - Specially selected, designed, and operated sites for disposal of solid waste in accordance with N.D.C.C. 23-29-03 and the provisions of this ordinance.
35. **Loading Space** – An off-street space on the same lot as the use for the temporary parking of a commercial vehicle, while loading or unloading merchandise or material, which has appropriate means of access.
36. **Lot** – A tract of land of at least sufficient size to meet minimum zoning requirements for use, area, and to provide such yards and other open spaces as are herein required.
37. **Lot Area** – The total area within the boundary lines of the lot or parcel of land not including the public right-of-way.
38. **Lot, Corner** – A lot abutting upon two streets at their intersection.
39. **Lot Line Adjustment** – A change of an existing platted boundary line between fewer than 5 adjoining lots that meets the following criteria: a) Does not involve lots within more than one zoning classification; b) Is not one lot line adjustment in a series of lot line adjustments proposed as a way to circumvent the subdivision process; and c) Where all of the resulting parcels conform to the minimum lot area and width for zoning purposes.
40. **Lot of Record** – A lot, the description of which is recorded in the Office of the Register of Deeds at the time of adoption of this ordinance.
41. **Lot Rearrangement (Replat)** - Is the reorganization or readjustment of lots within an existing subdivision that does not create more lots than what was originally platted. It is the rearrangement of lots, tracts or parcels where the addition of public roads are NOT required; where the addition of public water and/or public sewer are NOT required or requested or where the extension or addition of easements is NOT required to service such lots.
42. **Material** (as in a material change to an application or plat or a material change in land use or

intensity) – Significant, substantially altering, or having an impact on any of the evaluation criteria or on neighboring land uses by way of traffic, glare, noise, dust or other measures, or bringing the proposal out of compliance with this ordinance.

43. **Minor Change of Occupancy** - A change in the use of a lot or primary structure on a lot. A minor change is one that has identical or lesser parking requirements, similar traffic generation potential, creates no additional signage (measured by square footage), and has, as determined by the Planning Commission, similar or lesser impacts on neighboring land uses.
44. **Mobile Home Park** – Any parcel or tract of land designed and developed to accommodate mobile homes on lots on a lease or rental basis, having three or more lots intended for occupancy by mobile homes.
45. **Mitigate** – To eliminate or make the reasonably expected impacts of a development less severe.
46. **Natural Resource Conservation Area** – A predominantly undeveloped area of land managed to provide effective wildlife habitat, water quality protection, and similar low-impact natural functions. It may include historic or cultural resources and may include recreational land uses.
47. **NDCC** - North Dakota Century Code.
48. **Nonconforming Use** – The lawful use or occupation of land or premises existing at the time of enactment of this ordinance which does not conform to the provisions of this ordinance.
49. **Off Site Sign** - A sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located. This does not include billboards.
50. **Ordinance Permit** – Any permit issued under this ordinance including a permit customarily called a Zoning Verification Permit, Conditional Use Permit, Preliminary or Final Plat approval, Rezoning, Certificate of Compliance, Administrative Variance, Variance, Demolition Permit or other action having the effect of permitting development.
51. **Parking Space** – An area surfaced for the purpose of, and sufficient area within, for storing one parked automobile and which accesses onto a street or alley. A typical parking space is 9' x 20'.
52. **Planning Commission** – The administrative official, designated by the City Council, to administer and enforce the provisions of this ordinance.
53. **Plat** – A map of subdivision recorded in the office of the Register of Deeds.
54. **Principal Use** - The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.
55. **Projecting Sign** - A sign erected upon a building wall or canopy and projecting more than twelve inches but not more than eight feet outward from the plane of the business façade. Projection signs cannot project into the public right-of-way.
56. **Public Utility** - A public service corporation performing some public service and subjected to special governmental regulations, or a government agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, telephone, television cable antennae, gas, fire stations, police stations, quick response units, and transportation for persons and freight.
57. **Public Utility Service Station** - A small building or shed type structure consisting of four walls and a roof which houses pumps, transformers, relays, equipment, etc., for the purpose of providing public utilities.
58. **Recreation District:** The use of property, structures and/or amenities for temporary use. Usually where a permit or license are required.
59. **Setback** – The shortest distance between the lot line and the building line, at grade, or any above grade extension that projects more than three feet from the outer wall at grade, of any building.
 - a. **Front Setback:** is measured from the lot line paralleling the public road on which the building is addressed to the nearest principal or accessory building. However, where a corner lot abuts a state highway, county road or township road, the setback from that road shall be equal to the front setback, regardless of where the lot is accessed.
 - b. **Rear Setback:** is measured from the rear lot line to any building. The rear lot line is

generally parallel to the street. In the case of a corner lot, the lot shall have two rear setbacks.

- c. **Side Setbacks:** is measured from the side lone line to the closest portion of the building or structure.
60. **Sign** – Any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards and name plates.
61. **Solid Waste** - Any garbage, refuse, sludge from a waste treatment plant, water treatment plant, or air pollution control facility and other discarded waste material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities and further defined in N.D.C.C. Section 23-29-03.14 The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to Permit Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear or the by-product material as defined by the Atomic Energy Act of 1954, as amended.
62. **Stream** - A perennial stream as delineated and defined on the USGS Quad Maps (Quadrangle maps, scale 1:24,000).
63. **Street** – A right-of-way, dedicated to public use, providing vehicular and pedestrian traffic.
64. **Structure** – Anything built, constructed, or erected which requires a permanent location on the ground, but not including fences or landscaping.
65. **Subdivision** – The division of a lot, tract, or parcel of land, creating two or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way, whether public or private, for access to or from any such lot, tract, or parcel, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.
66. **Subdivision Major** – A subdivision that creates 9 or more lots, tracts or parcels. A Major Subdivision will be required for any amount of lots created where public roads are required to provide access to the lots being created, where public water and/or public sewer are extended to service such lots and where the extension or addition of easements is required to service such lots.
67. **Subdivision Minor** – A subdivision that creates 2 – 8 lots, tracts or parcels where public roads exist and are NOT required to provide access to the lots being created or where public water and/or public sewer are NOT required or requested to service such lots or where the extension or addition of easements is NOT required to service such lots. The addition of standards utilities is not a reason for a Major Subdivision. A subdivision of this type is a division of land that is not within an existing subdivision.
68. **Trailer Park** – Any parcel of land containing three or more lots intended for occupancy by travel trailers.
69. **Unplatted Land** – Improved or unimproved land not divided into lots or parcels on any map of record.
70. **Vacation** – The moving of an easement or lot line to another location in which the original easement or lot line has been legally abandoned. The complete abandonment or termination of a public right-of-way, easement, lot line.
71. **Variance** – A relaxation of the provisions of this ordinance that will not be contrary to the purpose and intent of this ordinance or the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
72. **Wall Sign** - a sign erected upon a building, fence or other structure at no point projecting more than twelve inches horizontally to the back of the sign from the surface upon which it is erected. Also, the sign shall not project above the apex of the main roof or false roof structure which is visible from the public right-of-way.

73. **Zoning District Map** – The map showing the zoning districts of the County of officially adopted by the City Council.
74. **Zoning Verification Letter** - A letter stating compliance with zoning district regulations and development standards issued prior to occupancy of a building.

DESIGN GUIDELINES FOR WILLIAMS COUNTY MAJOR COLLECTORS AND LOCAL ROADS FOR NEW OR RECONSTRUCTION OF EXISTING INFRASTRUCTURE

	County Major Collector (on system)	County Roads (off system)	Township Roads (off system)	Rural Subdivision Roads	Urban Subdivision Roads
Bridge Width	30 ft.	28 ft.	28 ft.	28 ft.	28 ft.
Storm design frequency (bridges)	25 yrs.	10 yrs. With overflow	10 yrs. With overflow	10 yrs.	10 yrs.
Design loading (Bridges)	US-25	US-25	US 20-25	US 20-25	US 20-25
Culver design frequency	25 yrs.	25 yrs.	25 yrs.	25 yrs.	25 yrs.
Minimum culvert size	18"	18"	18"	18"	15"
<i>Paved Roads</i>					
Minimum travel way width (both lanes & shoulder)	36 ft.	32 ft.	32 ft.	28 ft.	40 ft.
Minimum pavement section	28 ft.	28 ft.	24 ft.	24 ft.	40 ft.
Minimum thickness	6"	6"	6"	6"	4"
<i>Gravel Roads</i>					
Minimum travel way width (both lanes)	32 ft.	32 ft.	32 ft.	N/A	N/A
Minimum gravel thickness	8"	8"	8"	8"	8"
Design Speed	45-65 mph	45-65 mph	30-55 mph	30 mph	25 mph
Road easement width	150 ft.	150 ft.	150 ft.	80 ft.	60 ft.
In slope ratio	4:1	4:1	4:1	3:1	N/A
Separation (road top to ditch bottom)	4 ft.	4 ft.	3 ft.	2 ft.	N/A
Ditch bottom width – minimum	4 ft.	4 ft.	3 ft.	2 ft.	N/A
Cul-de-sac (diameter) travel surface	N/A	N/A	N/A	100 ft.	100 ft.

- CULVERTS SHALL BE EITHER CORRIGATED METAL PIPE (CMP) OR REINFORCED CONCRETE PIPE (RCP)
- ALL RESIDENTIAL SUBDIVISION ROADS SHALL BE PAVED; URBAN RESIDENTIAL SUBDIVISIONS SHALL INCLUDE CURB AND GUTTER AND SIDEWALKS