

**TEXT AMENDMENTS TO THE
CITY OF BANKS LAND DIVISION ORDINANCE
1-14-97**

(Note: New or revised text is shown in bold New York italic font between brackets. Deleted text is shown in Courier italic font between double brackets.)

Article 2, Section 2.010 (5) f.

- [f. Written certification from the City Engineer or appropriate agency that the following are adequate and available to serve the site:
- (1) Municipal water with sufficient volume and pressure to serve the proposed development.
 - (2) Sanitary sewer with sufficient treatment plant capacity and line capacity to serve the proposed development.
 - (3) Storm drainage system with sufficient capacity to adequately provide the necessary drainage.

If any of these certifications cannot be made because the particular utility is not available at the property boundary, the City Engineer or service agency provider shall state in the certification whether the utilities could be provided by extension or replacement of existing lines or construction of pump station(s) and, if possible, provide an estimate of the cost of extension, replacement or the pump station(s).

A signed statement by the developer that it is his intent to advance the funds necessary for the required extension, replacement or pump station(s) will be acceptable in conjunction with the Engineer's or service agency's statements to serve in lieu of a full certification. If certification or statement in lieu of certification cannot be given due to a lack of utilities, further processing of the proposed subdivision can proceed only if the developer furnishes a statement that he fully realizes that no development of the tract can proceed until utilities are available and that no time schedule for their availability can be provided."]

Article 2, Section 2.010 (9) a.

- "a. Within 45 days of receipt of, the Planning Commission shall hold a public hearing to give consideration to the tentative plan and the City Planner's formal report and recommendation. Notice of the time and place of such hearing shall be given in the manner prescribed in Section 6.040. [Any member of the Planning Commission may visit the subject property and may use information gained to reach a decision, provided the information relied upon is disclosed and an opportunity to rebut provided.]

The Planning Commission may approve the tentative plan as submitted, deny or approve the plan subject to conditions. The Commission action shall set out clearly the grounds for its decision and shall clearly inform the applicant as to the changes or modifications needed to allow the lawful division of the property."

Article 2, Section 2.010 (9) d.

- ["d. Approval of the tentative plan where public facilities, services, and/or utilities essential to development of the site are inadequate does not obligate the City or any other agency to a schedule or financial commitment to provide such services. The applicant is advised to negotiate commitments from the appropriate authorities before proceeding with the final plat."]

Article 2, Section 2.010 (10)

- "(10) Expiration of Approval. Approval of the tentative plan [*including all supplemental information*] shall become null and void if a [*complete*] final plat [*application*] in accordance with these regulations [*as provided in Section 2.020*] is not submitted within one year after the date of approval of the tentative plan."

Article 2, Section 2.020 (1)

- "(1) Submission of the Final Subdivision Plat. Within one year after approval of the tentative plan, the subdivider shall cause the subdivision or approved phase thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit the original drawing, [*twelve*] prints, and any supplementary information to the City. [*If the subdivider wishes to proceed with the subdivision after the expiration of the six-month period following the approval of the tentative plan, he must petition the commission for a six-month extension of approval.*]] If conditions have changed sufficiently to invalidate the original approval, the Commission may require the subdivider to submit a new tentative plan and make any revision necessary to meet the changed conditions. Such a resubmission, if required, shall be processed as if it were an original submission."

Article 2, Section 2.020 (3) f.

- "f. Signed agreement allowing developer to construct public improvements. [*The contents of said agreement shall include but not be limited to such items as financial assurances, construction cost estimate, proof of insurance,*

indemnification of City, adherence to local, state and federal laws, completion date of construction, and three year maintenance bond.]"

Article 4, Section 4.030 (2)

"(2) Minimum Right-of-Way and Roadway Width. Unless otherwise approved in accordance with the provisions below or those of sub-section 15, the street right-of-way and roadway widths shall not be less than the width in feet shown in the following table:

<u>Type of Street</u>	<u>Right-of-Way Width</u>	<u>Pavement Width</u>
Arterial	80-100 ft.	40-52 ft.
Collector	60-80 ft.	40-48 ft.
Local-		
[Residential Street	50 ft.	32 ft.]
[Residential Collector	50 ft.	32 ft.]
[Residential Boulevard	70 ft.	44 ft.]
Radius for turn-around at end of cul-de-sac	55 ft.	42 ft.
Alleys	20 ft.	20 ft.

- a. On local streets parking [*shall be*] prohibited on one or both sides of the street, [*unless presently provided on an existing local street*]. On collector and arterial streets, minimum roadway width shall be determined in conjunction with parking and access control measures, e.g., the greater street width shall be required for streets likely to have cars backing onto the street.
- b. Sidewalks shall be provided on both sides of all streets (unless otherwise approved by the Planning Commission) of at least [**six**] feet width in [*all zoning*] districts. [*The entire sidewalk width or any portion thereof may be included as a permanent easement in lieu of inclusion in the street right-of-way.*]
- c. A parking strip at least [*five and one-half*] feet wide shall be provided between the [*face of*] curb and the sidewalk. [*Any portion of the parking strip may be included as a permanent easement in lieu of inclusion in the street right-of-way.*]
- d. Pavement structure shall consist of three inches of asphalt and eight inches of crushed rock.

Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-way may be accepted but ordinarily not less than 50 feet. If necessary, slope easements may be required."

Article 4, Section 4.090

"Section 4.090 LAND FOR PUBLIC PURPOSES

Land subject to flooding, wetland or land adjacent to a street, highway, or other incompatible land use, or environmentally sensitive or unusual terrain unsuitable as a park or recreation area, and unsuitable for real estate development or improvement shall be preserved for its proper use as flood control land [*or open space*] and dedicated to the public for such use. The Planning Commission [*shall also require a dedication of land for public park and recreation purposes. Said public park dedication shall not exceed fifteen percent (15%) of the buildable land area within the subdivision.*]

Where a park playground, school or other public use is determined to be needed in whole or in part within a subdivision, to carry out the Goals and Policies of the Banks Comprehensive Plan, the subdivider shall dedicate and reserve adequate space for such purpose, provided however, that the City or other public authority shall thereupon declare its intention to utilize said area within the land division when the Planning Commission finds the requirements to be reasonably necessary for the public health and safety. Where the City or other public authority has declared its intention to acquire said area, it shall proceed to perfect the title or a contract right to the same within three (3) years from the date of platting, and failing such, this reservation shall automatically expire. The public body shall expeditiously proceed, within its financial ability, to consummate such acquisitions."

Article 6, Section 6.010

"Section 6.010 APPROVING AGENCY

The City Planner and City Planning Commission shall review, recommend, and approve or disapprove land division plans and shall administer the provisions of these regulations. [*Whenever a land division plan is disapproved, a similar application cannot be submitted for the property following a six-month period from the disapproval date, unless the reason(s) for the denial has been corrected by the applicant. The corrected application will be considered as a new application*]"