

CHAPTER 32
SUBDIVISION

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CHAPTER 32

ARTICLE I.

AUTHORITY AND ENACTMENT CLAUSE

Sec. 32-1 AUTHORITY AND ENACTMENT

By the authority of Chapter 40, Section 48-20 of the North Dakota Statutes, the City of Carrington, North Dakota, does hereby enact into law the following Articles and Sections.

ARTICLE II

APPLICATION

Sec. 32-2 JURISDICTION

The territorial jurisdiction of the Carrington Planning Commission over the subdivision or platting of land shall include all land located within the corporate limits and all land lying within one-half mile of the corporate limits.

Sec. 32-3 POWERS

Every owner of any lot, tract, or parcel of land within the corporate limits of Carrington and an area extending one-half mile from corporate limits, who may hereafter subdivide the same into two or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development shall submit a subdivision plat to the Carrington Planning Commission in accordance with the provisions set out forthwith.

Sec. 32-4 INTERPRETATION OF TERMS

For the purpose of interpreting this Ordinance, certain terms are defined. Words in the present tense include the future; the singular; and the word "shall" is mandatory and not directory.

Sec. 32-4 DEFINITIONS

ALLEY: A public right-of-way which is used primarily as a secondary means of access to the abutting property.

BLOCK: A track or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.

COMMISSION: Planning Commission of the City of Carrington, North Dakota.

CUL-DE-SAC: A street having one end connecting with a public street and being terminated at its other end by a vehicular turn around.

COUNCIL: City Council of Carrington, North Dakota.

LOT: A portion of a subdivision or other parcel of platted land, intended as a unit for transfer of ownership or for development.

LOT OF RECORD: A tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds Office of Foster County, North Dakota.

COMPREHENSIVE PLAN: A long range plan for the improvement and development of Carrington and surrounding area as adopted by the Planning Commission and Council.

IMPROVEMENTS: Pavements, curbs, gutters, sidewalks, water mains, sanitary sewer, storm sewers, grading street signs, planting, and other items for the welfare of the property owners and the public.

PLAT: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.

STREET: A right of way, dedicated to public use, which affords a primary means of access to the abutting property.

RIGHT-OF-WAY: A strip of land separating private property from the street or alley existing or dedicated in public ownership.

STREET, MAJOR: A street of considerable continuity connecting various sections of the city.

STREET, COLLECTOR: A street which carries traffic from a minor street to a major street.

STREET, MINOR: A street which is used primarily for access to the abutting properties.

SUBDIVIDER: A natural person, firm, co-partnership, association or corporation who submits a proposed subdivision to the Planning Commission.

SUBDIVISION: The division of a tract or parcel of land into lots 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 right of way, whether public or private, for access to or from such lots, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.

WATER COURSE, DRAINAGE WAY, CHANNEL OR STREAM: A natural or manmade depression in which a current of surface run-off water flows following precipitation.

ARTICLE IV.

PROCEDURES

Sec. 32-6 PRE-APPLICATION

Prior to the subdivision of any land, the subdivider or his agent shall discuss informally with the Planning Commission the proposed subdivision with reference to these Subdivision Regulations, the Zoning Ordinance, the Comprehensive Plan, and the Major Street Plan.

Sec. 32-7 PRELIMINARY APPLICATION FEE

The subdivider shall pay the City Auditor a preliminary application fee of Ten Dollars (\$10.00) before the application.

Sec.32-8 PRELIMINARY APPLICATION

The subdivider shall prepare and submit to the Planning Commission the following:

1. Four (4) copies of the preliminary plat at a scale of not less than one (1) inch to two hundred (200) feet. In the case of subdivisions outside of the corporate limits, one (1) additional preliminary plat submittal will be required and will be referred to the Foster County Recorder. All preliminary submittals shall be in conformance with the design standards set forth in Article V of this Ordinance and shall include or be accompanied by the following information:
 - a. Receipts for preliminary platting fee.
 - b. Proposed name of the subdivision, which shall not duplicate a previously filed plat names.
 - c. A date, scale, north point, and key map showing the general location of the proposed subdivision in relation to surrounding development.
 - d. Names and addresses of the developer, engineer, surveyor, or landscape architect responsible for the survey or design.
 - e. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 - f. Existing contours wherever five (5) feet of deviation occurs.
 - g. Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights of ways or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivision.
 - h. Existing and proposed zoning and existing and proposed land use.
 - i. Layout, numbers, and approximate dimensions of lots and the number of each block.
2. After receipt of the preliminary plat applications, the Planning Commission shall distribute said applications to the appropriate officials, who shall

examine the proposed plat in terms of compliance with all laws, regulations, and codes of the City. The findings of the examinations shall be returned to the Commission within fifteen (15) days.

3. After commission, upon receipt of the examination findings, shall approve or disapprove the preliminary scheduled meeting. Approval of the preliminary plat by the commission shall be void at the end of six (6) months unless a final plat has been submitted.
4. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat.

32-9 FINAL APPLICATION FEES

The subdivider shall pay to the City Auditor a final application fee after preliminary approval and before final application. The fee shall be twenty-five (\$25.00) dollars plus one (\$1.00) per acre for all parcels or lots larger than one (1) acre in size.

32-10 FINAL PLAT APPLICATION

The subdivider shall prepare and submit to the Planning Commission the following, prepared by an engineer or land surveyor registered in the State of North Dakota.

1. Eight (8) copies of the final plat at a scale of not less than one (1) inch to two hundred (200) feet. All final plat submittals shall be in conformance with the design standards set forth in Article V of this Ordinance and shall include or be accompanied by the following information, in addition to that already submitted on the preliminary application:
 - a. The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimension in feet and decimals of feet, interior angles, length and radii and/or arcs of all curves, together with the names of all streets.
 - b. Location and description of all monuments.
 - c. Location by section, township, range, county, and state, including descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must mathematically close.
 - d. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land dedication of all street, alleys, and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.
 - e. Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
 - f. One copy of any private restriction or covenants affecting the subdivision or any part thereof.

2. Upon submission of all final application requirements, the Planning Commission shall approve or disapprove the final plat within fifteen (15) days.
3. The Council, upon receipt of the Planning Commission's recommendation, shall immediately notify all owners of property adjacent to the proposed subdivision. The council shall then allow thirty (30) days for discussion of the proposal. At the expiration of the thirty (30) day period of time, the council shall render final approval or disapproval of the plat.
4. Approval of the final plat by the council shall be deemed as certification of the final plat. With this certification, the council shall forward a copy of the final plat to the County Register of Deeds of Foster County, North Dakota, for recording.
5. Receipt of a duly certified final plat by the subdivider is authorization that he may proceed with the subdivision. However, no lot(s) shall be sold unless either installation and/or construction of required improvements have been made or the installation and construction of said improvements are a condition of sale for the subdivided lot(s).

ARTICLE V DESIGN STANDARDS

SEC 32-11 GENERAL STANDARDS

Land within the proposed subdivision which the Planning Commission finds to be for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

SEC 32-12 STREETS AND ALLEYS

1. The arrangement of major streets shall conform to the circulation section of the Comprehensive Plan. Streets in the subdivision normally shall connect with streets already dedicated in adjoin or adjacent subdivisions.
2. Minor residential streets should be planned as to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turn-around having a curb line diameter of not less than eighty (80) feet.
3. Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.
4. Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long, except as allowed by the Commission and Council.

5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approached to any intersection shall be prohibited.
7. Alleys shall be provided in commercial and industrial district except where other definite and assured provision is made for service access.
8. The right-of-way widths and pavements widths (back to back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

TYPE	PAYMENT WIDTH	R.O.W.
Major Arterial Streets	45'	80'
Secondary Streets	40'	80'
Local Streets	36'	60'
Alleys	14' (Res.) 20' (Comm)	20'

9. The horizontal alignment of all streets where the centerline deflects two degrees or more shall be as follows.

RADII OF HORIZONTAL CURVES

Major Streets	700' minimum
Minor Streets	100' minimum

32-13 LOTS

1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
2. Every lot shall abut and have access to a public street.
3. Double frontage lots shall be avoided except where they back upon a major street.

32-14 EASEMENTS

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both waterflow and maintenance operations.

ARTICLE VI IMPROVEMENTS

32-15 IMPROVEMENTS

It shall be the responsibility of the developer to install in accordance with plans, specifications, and data approved by the County Engineer certain required improvements as follows:

1. Staking-external boundaries and corners of each block shall be monumented by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.
2. Street Grading-all full width streets located entirely within the boundary of the subdivision, except major and collector streets, shall be graded to a minimum width of nine (9) feet back of both curb lines to within six (6) inches of the grade established by the City Engineer.
3. Street Surfacing-the streets shall be paved, or graveled, including curbs and gutters in accordance with street improvement and paving standards and regulations approved by the Council.
4. Sanitary Sewer-where a city sanitary sewer is accessible by gravity flow within 300 feet of the final plat, the subdivider shall submit to the Building Commission his plans for connection with a trunk line to the existing system. The Building Commission then informs the subdivider of the trunk line size requirements as per anticipated development in the general area. Where a city sanitary sewer is not accessible by gravity flow within 300 feet of the final plat, the subdivider shall make provision for the disposal of sewerage as required by law. Where a city sanitary sewer accessible by gravity connection is not within 300 feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.
5. Water Mains-where a public water supply is within three (300) hundred feet of a proposed subdivision, the subdivider shall install, or have installed, a connection to each lot prior to the paving of the street, as according to the City Code(s) requirement(s). Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof. Any lot so serviced shall have a minimum area of one-half (1/2) acre. The design of any such system shall be subject to the approval of the State Department of Health or County Health Officer, whichever is applicable.

ARTICLE VII ENFORCEMENT

SEC 32-16 ENFORCEMENT

1. No plat of any subdivision within the application of this Ordinance shall be entitled to be filed or recorded in the office of the Register of Deeds or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.
2. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land for building purposes as a part of or in conformity with any plat, plan, or re-plat of any subdivision within the area subject to application of this Ordinance unless said plan, plat, or re-plat shall have been approved as prescribed by this Ordinance and filed and recorded in the office of the Register of Deeds.

ARTICLE VIII
PENALTY

SEC 32-17 PENALTY

Any owner, or the agent of any owner, of land located within the subdivision territorial jurisdiction of Carrington who transfers, sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of a plat of a subdivision, or by any other use thereof, before such plat has been approved by the planning commission and governing body and recorded as approved in the office of the appropriate register of deeds, shall forfeit and pay a penalty of five hundred dollars (\$500.00) for each lot or parcel transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by meters and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The municipality may enjoin such transfer, sale, or agreement by an action for injunction, or it may recover the penalty by a civil action.

ARTICLE IX
SEVERABILITY CLAUSE

SEC 32-18 SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the court to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.