

154.06. SUBDIVISION PROCEDURE**154.06.01 Pre-Application**

- A. The subdivider is encouraged to submit a sketch plan for the ultimate overall development of his property in order to indicate the manner in which the proposed provisional plat relates to the entire property.
- B. The subdivider shall consult with the Planning Department, the engineer designated by the Plan Commission, and other public officials prior to the preparation of the provisional plat concerning the school and recreational sites, shopping centers, community facilities, sanitation, water supply, drainage, and thoroughfares; its relationship to other developments, existing and proposed, in the vicinity; and any other relevant matters concerning the preparation of the provisional plat.

154.06.02 Provisional (Primary) Plat**A. Application**

Applications for Primary Plats shall be filed in accordance with the requirements of Section 154.01 of this Code.

B. Site Plan Review

Site Plan Review shall be conducted by the Planning Director in accordance with the requirements of Section 154.03. of this Code.

C. Public Hearing and Notice

The Plan Commission shall hold a public hearing on the application in accordance with the requirements of 154.01. Notice for the public hearing shall be performed in the manner prescribed by 154.01.

D. Plan Commission Review

1. After the public hearing the Commission shall review the application and shall study the overall provisional plat to determine if it conforms to the minimum standards and requirements as outlined in this chapter, and shall approve, reject, or table the application within sixty-five (65) days after submission of the application to the Planning Director.
2. Upon the tabling or rejecting of an application, the Commission shall notify the applicant in writing what revisions, changes, or further changes in the overall provisional plat are needed for approval. Upon the rejection of an application, the Commission will not review the overall provisional plat until it is resubmitted. The plat may be resubmitted once every six (6) months. The approval of the overall provisional plat by the Commission does not constitute approval of any or all of the subdivision, but is merely an authorization to proceed with preparation of a record plat.

E. Record of Primary Plat

One (1) copy of the overall provisional plat approved by the Commission and signed by the President and Secretary shall be retained in the Planning Department's office. One (1) copy shall be sent to the subdivider and is authorization for the subdivider to proceed with the preparation of a record plat.

F. Effective Period of Primary Plat

An approval of the overall provisional plat shall be effective for a period of four (4) years, unless upon request of the applicant, the Commission grants an extension of time.

The application for a record plat shall be submitted to the Commission, and if is not received within the period of time above specified, all previous actions by the Commission with respect to the plat shall be deemed to be null and void.

154.06.03 Record (Secondary) Plat

A. Application

Applications for Secondary Plats shall be filed in accordance with the requirements of Section 154.01 of this Code.

B. Provisions for Financial Performance and Maintenance Guarantees for Subdivisions

As a prerequisite to secondary plat approval, the subdivider shall agree to provide financial performance and maintenance guarantees for public facility improvements and installations to be constructed in and, as necessary for proper connection and system coordination, adjoining the proposed subdivision. The public facility improvements and installations shall include, but not necessarily be limited to, streets (base and paving, individually), curbs and gutters, sidewalks, storm water drainage and storm sewer systems, sanitary sewer systems, water supply systems, street name signs, monuments and markers and the various appurtenances related thereto. All construction shall be according to plans submitted as a portion of secondary plat and accompanying data, subject to the standards and specifications cited herein. Nonpublic facility improvements and installations shall be subject to financial guarantees established by their ownership.

- 1. Performance Guarantee** Prior to or at the time of secondary plat approval, the subdivider shall be required to provide financial performance guarantee, by certified check, performance bond, or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the Town Council, that all public facility improvements and installations required under the provisions of this subchapter shall be completed in a satisfactory manner. Bonds, checks and letters of credit are to run to the town. Said financial performance guarantee shall be conditioned upon the following:
 - a.** The completion of public facility improvements and installations shall be within two years from the approval of the secondary plat.
 - b.** A penal sum shall be fixed and approved by the Town Council equal to 100% of the total estimated current cost to the town of all public facility improvements and installations provided in the secondary plat and accompanying data according to the specifications cited herein.
 - c.** Each public facility improvement or installation provided in the secondary plat or accompanying data shall be bonded individually, or shall have an individual certified check or letter of credit to cover the penal sum, and shall not have the performance guarantee provided in combination with any of the other public facility improvements and installations.
 - d.** The performance bond, certified check, or letter of credit shall be issued in the name of the owner, developer, contractor or other responsible party as determined by the Plan Commission.
- 2. Extension of Completion Time and Nonperformance**
 - a.** Should the subdivider not complete the public facility improvements and installations as herein required within the stated two year period, the Planning Director may approve an extension of up to six months. Any extension of a longer period shall require the approval of the Plan Commission and Town Council.

6. **Release of Maintenance Guarantee** All maintenance bonds shall expire at the end of the three year period for which they were established. Within 60 days of the expiration date, the Council shall authorize the return of the expired maintenance guarantee to the subdivider. The maintenance guarantee for each individual public facility improvement or installation shall be treated separately and shall in no way be contingent on the completion of any of the other public facility improvements or their maintenance guarantees.