

## CHAPTER 3

### SCHEMATIC PLAN

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#### **12-3-010 Schematic Plan.**

A schematic plan shall be required of all Subdividers. This provides the Subdivider with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the subdivision of property and facilitates resolution of problems and revisions before the preparation of a preliminary plat. The schematic plan should be based on an accurate survey showing boundaries, topography, important physical features, adjacent properties, and the sketch of the proposed subdivision. The applicant or applicant's duly authorized agent shall submit an application to the City Planning Department for schematic plan approval and at the same time, the applicant shall pay an application fee as provided in the City's Consolidated Fee Schedule.

#### **12-3-020 Staff Cannot Bind City.**

The schematic plan requirement is designed to provide the Subdivider with helpful information and suggestions before the expense and time involved in preparing a preliminary plat is incurred. However, only the City Council may bind the City and only the City Manager and Planning Commission can make official recommendations to the City Council. City employees and all other officers of the City act in advisory capacity to the City Council and have no authority to make binding decisions or to make authoritative representations, approvals or determinations. Employees and officers of the City may make recommendations, suggestions, and dispense information regarding City ordinances and the Master Plan, but such comments shall in no way whatsoever be binding on the City.

#### **12-3-030 Vested Rights.**

Submission of a schematic plan shall in no way confer any vested rights upon the Subdivider. Vested rights may attach only upon the filing of a subdivision plan under Chapters 4, 5, 6 or 7, below, and the subdivision being able to meet the requirements of this Title and other applicable ordinances at the time of the application. However, if there is a compelling,

countervailing public interest or the City has initiated proceedings to amend this Title or other applicable ordinances at the time of the application, then there shall be no vested rights.

**12-3-040 Submission.**

The Subdivider shall submit two copies of the proposed schematic plan to the City Planning Department. The Planning Department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the Planning Department, and the Subdivider shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities.

The proposed schematic plan shall include the following items:

- (1) The proposed name of the subdivision.
- (2) A Subdivision Yield Plan pursuant to Chapter 12 of Title 11 if a Conservation Subdivision or a Planned Unit Development is proposed by the Applicant.
- (3) A vicinity plan showing significant natural and manmade features on the site and within five hundred (500) feet of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than five (5) feet; and north arrow.
- (4) A proposed lot and street layout.
- (5) A description of the type of culinary and irrigation water system(s) proposed; also, documentation of water rights and secondary water shares.
- (6) A description of the size and location of sanitary sewer and stormwater drain lines and subsurface drainage.
- (7) A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
- (8) The total acreage of the entire tract proposed for subdivision.
- (9) Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

**12-3-050 Notification.**

(1) The Subdivider, upon receipt of the letter of acknowledgment, shall distribute copies of the plan to such government departments and other agencies or advisors as in the

opinion of the Department and the Planning Commission may contribute to a decision in the best interest of the public.

(2) The Planning Department shall mail to all owners of property located within three hundred (300) feet of the boundary of the proposed subdivision a written notice of the time, date, and place where the Planning Commission will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision.

(3) The Planning Department shall mail to all owners of property located within three hundred (300) feet of the boundary of the proposed subdivision a written notice of the time, date, and place where the City Council will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision.

**12-3-060 Review by the Planning Commission.**

(1) At the time and place specified in the written notice described in Section 12-3-050 above, the Planning Commission shall review the submitted schematic plan and check compliance with the City's Master Plan, Zoning Ordinance, this Subdivision Ordinance, and other appropriate regulations. The Planning Commission may recommend approval or denial to the City Council, and shall make findings regarding the submitted schematic plan, specifying any inadequacy in the information submitted, non-compliance with City regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the Planning Commission to evaluate the proposed subdivision and in making a recommendation to the City Council.

(2) The Planning Commission may require additional information, data or studies to be provided to the Planning Commission by the subdivider for the overall development before any recommendation is given by the Planning Commission to the City Council and the Planning Commission may include requirements for the overall development as part of its findings on the concept plan.

**12-3-070 Approval by the City Council.**

(1) After receiving a recommendation from the Planning Commission together with any information related thereto and at the time and place specified in the written notice described in Section 12-3-050, the City Council may grant or deny schematic plan approval for the proposed subdivision and may adopt, amend or reject any of the findings made by the Planning Commission regarding the submitted concept plan.

(2) If the City Council denies schematic plan approval, no further review of the proposed subdivision shall be made by the City Council, and a new schematic plan submittal shall be required to re-initiate the subdivision process.

(3) Granting of schematic plan approval by the City Council shall not constitute an absolute approval or disapproval of the proposed subdivision, but is intended to give the subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the City.

**12-3-080 Expiration of Schematic Plan Approval.**

Once schematic plan approval has been granted, the subdivider may apply for preliminary plat approval consistent with the schematic plan. If preliminary plat approval for any portion of an approved schematic plan has not been obtained within twelve (12) months of the date on which schematic plan approval was granted, a resubmittal and reapproval of the schematic plan may be required by the City.

Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21  
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24  
Chapter 3 Amended, 4-19-00, Ord. 2000-13  
Chapter 3 Amended, 5-19-06, Ord. 2006-28