

NOTICE

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CHAPTER 1107
PURPOSE; ENFORCEMENT; VARIANCES; PENALTY

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|---------|----------------------------------|---------|----------------------|
| 1107.01 | Purpose. | 1107.05 | Nuisance |
| 1107.02 | Functions of Planning Commission | 1107.06 | Grounds for Variance |
| 1107.03 | Compliance Required | 1107.99 | Penalty |

CROSS REFERENCES

Planning Commission – see Charter Article VII §1 et seq.
 Official Thoroughfare Plan – see Planning and Zoning Chapter 1103
 Improvements – see Planning and Zoning Chapter 1113
 Nonconforming uses – see Planning and Zoning Chapter 1169
 Zoning variances – see Planning and Zoning 1173.12 et seq.
 Planning Commission to recommend zoning amendments to Council –
 see Planning and Zoning 1175.01 et seq.

SECTION 1107.01 PURPOSE.

The provisions of these Subdivision Regulations are adopted to promote orderly growth and development of the City; proper use of land; conservation, stabilization and protection of the use value of property; adequate provision for utilities, streets and conveniences; and the public health, safety and general welfare. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1107.02 FUNCTIONS OF PLANNING COMMISSION.

The Planning Commission is hereby designated as the platting authority of and for the City. The Commission is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions and is authorized to approve, conditionally approve or disapprove maps of subdivisions prepared and filed in accordance with the provisions of these Subdivision Regulations. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1107.03 COMPLIANCE REQUIRED.

(a) No person, being either the owner or having control of any lot or parcel of land within the City or portion thereof, shall create a subdivision as defined in Section

1105.17 unless the subdivision has been approved as a plat by the Planning Commission. This requirement shall not apply to the division or allocation of land for governmental use as street rights of way. (Revision No. 206; Ord. 3536-92. Passed 01-28-92.)

(b) The Commission may waive the requirement that all such land shall be platted if it finds grounds for variance as contained in Section 1107.06.

Upon application by the property owner for a variance of this section, he shall submit such information and maps as required by the Commission. Such variance will be granted by the Commission only in conformity with the Official Thoroughfare Plan and upon such terms and conditions which will not be contrary to planning practices. (Ord. 2425-72. Passed 10-03-72.)

SECTION 1107.04 EFFECTIVE DATE OF REQUIREMENTS.

All plats submitted to the Planning Commission for consideration subsequent to July 22, 1958, all plats previously submitted but not finally approved and all recorded plats upon which no improvements have been made as of the effective date of this amending section (Ord. 595-58, passed July 22, 1958) shall be subject to the requirements of these Subdivision Regulations. (Ord. 595-58. Passed 7-22-58.)

SECTION 1107.05 NUISANCE.

Any lot, street, alley or other feature made the subject of these Subdivision Regulations maintained contrary to the provisions hereof shall constitute a public nuisance. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1107.06 GROUNDS FOR VARIANCE.

The Planning Commission may vary the regulations of these Subdivision Regulations if it finds that all requirements enumerated (a) through (d) can be met.

- (a) Hardship. The strict application of the provisions of these Regulations would result in practical difficulties or unnecessary hardship inconsistent with the purpose and intent of these Regulations.
- (b) Exceptional Conditions. There are exceptional circumstances or conditions applicable to the subdivision involved.

- (c) Absence of Detriment. The granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding improvements or subdivisions.
- (d) Conformity to Official Plan. The granting of the variance will not be contrary to the objectives of the Comprehensive Development Plan or any official plan.

In granting variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. (Ord. 2425-72. Passed 10-3-72.)

SECTION 1107.99 PENALTY.

(a) Whoever violates any of the provisions of these Regulations shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both.

(b) Each person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of these Regulations, including any physical condition created in violation of these Regulations, continues or is committed by such person and shall be punishable therefor as provided for in these Regulations. (Ord. 20A-55. Passed 12-20-55.)

Legislative History: Ord. 20A-55 – Passed 12-20-55; Ord. 595-58 – Passed 7-22-58; Ord. 2425-72 – Passed 10-03-72; Ord. 3536-92 – Passed 01-28-92.