

**ORDINANCE NO. 380**

AN ORDINANCE OF THE CITY OF BEACH, NORTH DAKOTA, ALSO KNOWN AS THE "SUBDIVISION REGULATIONS OF THE CITY OF BEACH" PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND IN THE CITY OF BEACH, NORTH DAKOTA AND UNINCORPORATED TERRITORY LOCATED WITHIN THE TERRITORIAL JURISDICTION OF THE BEACH ZONING COMMISSION; REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; PROVIDING FOR THE VACATION OF PLATS, PROVIDING DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR ARRANGED BY THE DEVELOPER OR SUBDIVIDER; PROVIDING FOR VARIANCES; SETTING FEES; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE BOARD OF CITY COUNCIL OF THE CITY OF BEACH, NORTH DAKOTA, TO-WIT:

1. The Zoning Commission of the City is hereby authorized and instructed to review and approve or disapprove the subdivision of land within the City and adjacent territory in accordance with the laws of the State of North Dakota.
2. The Zoning Commission is to be governed in its review of subdivisions by the laws of the State, ordinances of the City and the following specific regulations.

**SECTION 1. PURPOSE OF CHAPTER**

This Ordinance is adopted in order to safeguard the best interests of the City of Beach and to assist the subdivider in harmonizing his interests with those of the City at large. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community to which the community will adhere, and because piecemeal planning of subdivisions will bring on undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to the Comprehensive Plan and the Street and Highway Plan of the City, aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the Zoning Commission shall comply with the regulations hereinafter set forth in this Ordinance. These regulations are hereby adopted for the following purposes:

1. To establish standard procedures, requirements and conditions for the preparation, submission and approval of plats of the subdivision of land within the City and its unincorporated jurisdiction thereof, as provided in the North Dakota Century Code, and to enable the City Zoning Commission exercise the authority granted therein, and
2. To require that such plats conform satisfactorily to the comprehensive plan for the territorial jurisdiction of the City Zoning Commission and other plans for such jurisdiction or part thereof, including the land use plan and other portions of the Comprehensive plan.

## SECTION 2. TITLE OF CHAPTER

These regulations shall be known as the "Subdivision Regulations of the City of Beach."

## SECTION 3. CONFORMITY WITH CHAPTER

Hereafter all subdivisions made within the City and within the designated areas outside of the corporate limits thereof, and not located in any other municipality, shall be subject to and shall conform to these regulations and shall conform to the major thoroughfare plan and other plans for such territory, or part thereof, including the land use plan and other portions of the Comprehensive Plan.

## SECTION 4. DEFINITIONS

For the purpose of this ordinance certain words used herein are defined as follows:

1. Alleys: Alleys are minor public ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
2. Block: Is an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a physical land barrier such as a river.
3. Board: Board of Adjustment.
4. Building Line: A line extending across the full width of a lot in front of which no building may be constructed other than steps.
5. Building Permit: Is the permit to allow for structural construction as required under the Building Code of the City of Beach.
6. City: City of Beach, North Dakota.
7. City Auditor: City Auditor of the City of Beach, North Dakota.
8. City Council: The Board of City Council of the City of Beach, North Dakota.
9. City Engineer: The professional engineer or the Director of Public Works ordinarily retained by the City of Beach for the recommendation, advice and prosecution of engineering work as requested by the City
10. Comprehensive Plan: A general plan for the improvement and development of Beach, North Dakota as adopted by the City Zoning Commission and the City Council.
11. Cul-de-sac: A short street having one end open to traffic and being terminated by a

vehicular turn-around.

12. Dead End Street: A street which has only one outlet for vehicular traffic and terminates without a vehicular turn-around.
13. Depth of Lot: The depth of a lot shall be the average distance from the front lot line to the rear lot line. The front lot line is the lot boundary abutting a street. (In the case of a corner lot abutting two streets, the front lot line is the boundary aligned with or an extension of predominate front lines of lots in the remainder of the block.) The rear lot line shall be the boundary opposite (or most nearly opposite) the front lot line.
14. Double Frontage Lots: Double frontage lots are those which extend continuously between two parallel (or approximately parallel) streets bounding a block. A block containing double frontage lots is composed of one rather than two tiers of lots.
15. Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
16. Easement: A grant by a property owner of the use of a strip of land for such public use as constructing and maintaining utilities, including but not limited to, sanitary sewers, water mains, electric lines, telephone lines, T.V. or F.M. transmission lines, storm sewer or storm drainage ways, gas lines and roadways.
17. Family: An individual or two (2) or more persons related by blood, marriage, or legal adoption or a group of not more than two (2) persons (excluding servants) who need not be related by blood, marriage, or adoption living together in a dwelling unit.
18. Final Plat: A drawing or map of a subdivision, meeting all the requirements of the City of Beach and in such form as required by the County of Golden Valley for purposes of recording.
19. Improvements: Street grading, street surfacing and paving, curb and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations as designated by the Zoning Commission.
20. Intersection, Street: A point of crossing or meeting of two or more streets.
21. Lot: A tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as herein required. Each lot shall have access to a public street or way.
22. Lot or Property Pin: A monument established by certified land survey and set by a registered land surveyor to provide for accurate location of property lines.

23. Market Value: An estimate of the property worth, in terms of money, in the free and open market.
24. Monument: An identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, lot corner, street centerline, or other point.
25. Owner: Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation or a combination of any of these.
26. Parcel: A contiguous quantity of land under separate ownership.
27. Parks and Playgrounds: Are public land and open spaces in the City of Beach, dedicated or reserved for recreation purposes.
28. Percentage of Grade: The rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The center line of a street shall be used to determine the street rise of grade.
29. Pedestrian Way: A public or private right-of-way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of utility lines.
30. Zoning Commission: City Zoning Commission of Beach, North Dakota.
31. Plat (also referred to as Subdivision Plat): A map which defines the subdivision of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property prepared in accordance with the North Dakota Century Code.
32. Preliminary Plat: A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.
33. Protective Covenants: Are contracts made between private parties as to the manner in which land may be used, with the objective of protecting and preserving the physical and economic integrity of any given area. If the provisions of the City's ordinances or regulations impose a greater restriction than imposed by covenants, the provisions of the City's ordinances and regulations will control. If the provisions of a valid, enforceable private agreement impose greater restrictions than City ordinances and regulations, the

33. provisions of the covenants will control. The City does not enforce covenants or maintain a record of such.
34. Recreational Area, Public: An area of land open to the public for recreational purposes with no user fees charged.
35. Recreational Area, Semi-Public: An area of land open to the public for recreational purposes with user fees charged.
36. Reverse Frontage Lot: A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.
37. Sidewalk or Walkway: That portion of a dedicated right-of-way or easement intended for pedestrian use only.
38. Street: A public way for vehicular traffic which affords the principal means of access whether designated as a street, highway, thorough fare, parkway, throughway, road, avenue, boulevard, lane, place, alley, or however otherwise designated.
39. Street, Thoroughfares: Are arterial streets which are used primarily for heavy traffic, and serving as an arterial traffic way between the various districts of the community, as shown on the Comprehensive Plan.
40. Street, Collectors: Are those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts as shown on the Comprehensive Plan.
41. Street, Minor: Are those which are used primarily to provide vehicular and pedestrian access to abutting properties.
42. Street Width: The shortest distance between lines of lots delineating the street right-of-way.
43. Street, Private: A private roadway affording access by pedestrians and vehicles, which is under individual rather than municipal control and ownership.
44. Street, Service Road: Are minor streets which are parallel and adjacent to thoroughfares and highways, and which provide access to abutting properties and protection from through traffic.
45. Subdivider: A person, corporation, partnership, association or any other group who prepares or causes to be prepared a subdivision plat.
46. Subdivision: The division of a tract or parcel of land into lots for the purpose, whether immediate or future, of a 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 rights

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. However, the division of land for agricultural purposes into parcels of three (3) or more acres not involving any new street or easement of access, shall be exempted from these regulations.

47. Swales: A drainage system for storm run-off which approximates natural drainage patterns. For example, shallow drainage ways are provided beside streets and, if necessary, a ponding area is provided. Thus, use of a natural percolation is emphasized, the need for conventional curb, gutter and storm drains is minimized or eliminated. The net result is lower initial cost to home buyers because of lower original costs and lower maintenance costs. This system may be used when internal pedestrian ways are provided in subdivisions.
48. Tangent: A straight line departing from a curve which is perpendicular to the radius of that curve.
49. Tract: A parcel of land intended for division or development of a subdivision.
50. U.S.G.S. Datum: Refers to United States Geodetic Survey Datum.
51. Vertical Curve: The surface curvature on a street centerline located between lines of different percentage of grade.
52. Width of Lot: The width of a lot shall be the average distance between side lot lines. Side lot lines are those which are neither front nor rear lot lines.
53. Subdivision Administrator: The person or department designated to administrate subdivision regulations.

#### SECTION 5. APPROVAL OF PLATS:

Recommendations on subdivision plats as required herein and in conformity with statutory authority within the City's territorial jurisdiction, shall be by the Zoning Commission, with final determinations made by the City Council. In all cases where land is offered for dedication for streets or other public purposes, the governing body affected shall act to accept or reject the offer of dedication and the deed for the fee to such lands.

#### SECTION 6. PROCEDURE FOR APPROVAL OF PLATS:

All subdivision plats, preliminary and final, shall be prepared in conformance with the provisions of this ordinance and in accordance with the Beach Comprehensive Plan. The subdivider shall be responsible for such conformance.

##### A. Preliminary Steps:

1. Before preparing the general plan of a subdivision, the subdivider shall consult informally with the Subdivision Administrator, City Engineer, and Department of Public Works Director concerning the relation of the subject property to existing conditions, future plans, and community facilities, utilities and services.
2. It will be the duty of the Zoning Commission to discourage the subdividing of the lands that are far in advance of the needs of the community; or that by their location cannot be efficiently served by public utilities, schools, fire protection, police protection or other municipal service; or that are located in areas subject to flooding or that are topographically unsuitable for development; or that for any other reason are unwisely or prematurely subdivided. It shall also be the duty of the Zoning Commission to encourage the replatting of lands deemed to be unsatisfactorily subdivided or are underdeveloped.
3. It shall also be the duty of the Zoning Commission to encourage the coordinated platting of adjacent small parcels of land.

B. Preliminary Plat Approval:

1. The subdivider shall apply in writing to the Zoning Commission for tentative approval of the preliminary subdivision plat.
2. Six (6) prints of the preliminary subdivision plat shall be submitted to the Subdivision Administrator for the Zoning Commission at the City Hall at least four (4) weeks prior to the Zoning Commission meeting at which the same shall be considered. The preliminary plat shall comply with provisions of Section 10 of these regulations. Fees charged for the filing of the preliminary subdivision plat shall be paid in full, on the basis of the estimated number of lots created, at the time of application for tentative approval. The Subdivision Administrator shall prepare a report thereon, setting out whether or not said plat meets the requirements of the City Ordinance, and the City of Beach Comprehensive Plan. The Subdivision Administrator shall present said report together with recommendations thereon, to the next meeting of the Zoning Commission, filing as herein set out.
3. After receipt of the application for preliminary plat approval, the Administrator shall give notice of a public hearing on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City of Beach or in the county concerned at least ten (10) days prior to the date of such hearing. The subdivider will furnish the name and address of the owner of the land, or his agent, at the time of application, and the secretary of the Zoning Commission shall send to said address by registered mail a notice of the time and place of such public hearing not less than five (5) days before the date fixed for the hearing. The public hearing may be held at a regular meeting or special meeting of the Zoning Commission.
4. Due to scheduling and calendar considerations, a subdivision plat may not be finally approved within 30 days as per North Dakota Century Code Section 40-48-21.

Applicants will be asked to waive said requirements in return for expeditious consideration by the City of the application. The grounds upon which any plat is disapproved shall be stated upon the records of the commission.

5. Upon the making of its determination, the Zoning Commission shall embrace the same within a motion, which shall include all conditions it required for approval, or conditions upon which approval will be granted, and shall set forth the reasons for the approval given. A copy of the motion shall be sent forthwith to the subdivider and a copy thereof to the City Council together with the plat if it is approved, conditionally or otherwise.
6. Approval shall be effective for a maximum period of twelve months, unless upon application by the developer, an extension is granted. If the plat or portion thereof has not been submitted for final approval within the time limit, a preliminary plat must again be submitted for approval.
7. The City Council shall review the preliminary plat and the recommendations of the Zoning Commission at their next regular meeting following the action of the Zoning Commission and shall take action on such plat and recommendations within sixty (60) days. Failing to do so, it shall be considered an approval of the plat and a certificate to that effect shall be issued by the City Council on demand. Procedures for approval, approval with conditions or denial shall be as prescribed by the Zoning Commission.

C. Final Approval:

1. After the preliminary plat has been approved, and the subdivider determines to proceed to secure final approval of all or a part thereof as a final plat, the final plat shall be submitted to the Zoning Commission with a letter requesting such approval and describing the proposed development schedule for the subdivision.
2. Six (6) prints of the final plat shall be submitted to the Subdivision Administrator at least three (3) weeks prior to the Zoning Commission meeting at which the same shall be considered. The application shall be accompanied by such other documents and materials as may be required by these regulations or by the City Engineer or Director of Public Works. The Administrator shall prepare a report thereon setting out whether or not said final plat is in substantial agreement with the preliminary plat and if not, in what particulars it varies therefrom; whether or not it conforms to the requirements of State law and the City Ordinance, and that the final plat meets all the conditions as attached to the approval of the preliminary plat. At this time an adjusted filing fee shall be determined and any additional fee shall be paid.
3. If the Zoning Commission approves the subdivision, such approval will be entered upon the original and copies of the plat and will be signed by the Chairman of the Zoning Commission. If the Zoning Commission disapproves the subdivision, such action, together with the reasons therefore, will be entered in the official records of the Zoning Commission and a copy of such record will be sent to the subdivider. If it shall determine that it cannot approve it unless certain conditions are attached, it shall by motion set forth



the conditions for approval and forthwith send a copy of such conditions to the subdivider, and all further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if no further action is taken by the subdivider within a thirty (30) day period, the plat shall be deemed to be disapproved.

4. Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decreases of other lands devoted to public use, the Zoning Commission shall thereby and without further public hearing have approved such change in streets, alleys, or public lands as an amendment to the Comprehensive Plan. The Zoning Commission will transmit notice of such action to the City Council together with appropriate recommendations concerning the acceptance of dedicated streets and alleys, or the vacation thereof, and of the acceptance of other dedicated lands. In the case of streets, alleys and public lands lying outside the City of Beach, notice of the action of the Zoning Commission and appropriate recommendations will be transmitted to the Board of County Commissioners of Golden Valley County, the Township Board, and other bodies having jurisdiction.
5. Final action by motion on the final plat shall be communicated forthwith to the subdivider by the Subdivision Administrator for the Zoning Commission, and a copy of the motion shall be sent to the City Council, together with the plat, and such other data as the Commission shall determine.

C. Submittal to the City Council:

1. Upon the adoption of the motion of approval or disapproval by the Zoning Commission, the final plat shall come before the City Council for review.
2. The City Council shall have the authority to hold such hearings on the final plat as it shall determine, and upon such notice as it shall provide.
3. If the City Council is not satisfied with the final plat as presented, it may: (1) disapprove the same; (2) set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or (3) refer the same to the Zoning Commission which shall act thereon at the next meeting and report back to the City Council no later than thirty (30) days after the said action of the City Council; or (4) table the plat to allow time for further information to be gathered.
4. If the City Council shall determine to accept the plat, it shall by resolution so determine, and the resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other spaces dedicated to public purposes.
5. The action of the City Council finally determining the matter shall be communicated to the subdivider, and if the plat be disapproved, reasons given by the City Council for such determination shall be set forth.

6. A final plat that is approved by the City Council shall be filed by the subdivision administrator for record with the Recorder of Golden Valley County, within thirty (30) days after approval. Recording of the plat is contingent upon payment of any back taxes owed on the property.

#### SECTION 7. PLATS OUTSIDE CORPORATE LIMITS:

Procedure for approval of preliminary and final plats of land outside of the corporate limits of Beach shall be the same as set forth in Section 6 of this Ordinance, except that one (1) copy of the preliminary plat shall be referred to the Golden Valley County Zoning Commission, and one copy to the affected townships with a request for their recommendations to be submitted to the Beach Zoning Commission. The Beach Zoning Commission shall take into account such recommendations prior to taking action on the plat. If no such recommendations are received by the Beach Zoning Commission within sixty (60) days, the plat shall be deemed approved by the County and the township.

#### SECTION 8. VACATION OF A PLAT OF RECORD:

- A. Conditions: A subdivider or owner may make application to the Zoning Commission to vacate any plat of record under the following conditions:
  1. The plat to be vacated is a legal plat of record.
  2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
  3. Vacation of the subdivision will not be contrary to the Beach Comprehensive Plan.
- A. Procedure: Shall comply with vacation proceedings as outlined in Chapter 40-50 of the North Dakota Century Code. The land owner or owners shall present a proposal to the Zoning Commission, containing the legal description and plat of the subdivision and calling for vacation thereof. The Zoning Commission shall study the proposal and shall send recommendations to the City Council. The City Council shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

#### SECTION 9. PROFESSIONAL ASSISTANCE:

The City Council or the Zoning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted, expenses to be paid by the owner or subdivider.

SECTION 10. SPECIFICATIONS FOR PLATS:

A. Specifications for Preliminary Plats:

1. The following data regarding identification and description of the preliminary plat shall be provided:
  - a. Proposed name of subdivision, which name shall not duplicate or too closely approximate the name of any plat or existing subdivision heretofore recorded in the County except when such plat is an addition to an existing plat of record. The name of a rearrangement of an existing plat may be shortened from a complete legal description of the rearrangement by stating "(said rearrangement) hereafter to be known as \_\_\_\_\_."
  - b. Location by section, township and range, to the quarter section, or by other legal description.
  - c. Names and addresses of the owners, subdividers, and developers having control of the lands included in said preliminary plat, the designer of the plat, the surveyor and his registration number.
  - d. Graphic scale, not less than one inch to one hundred (100) feet, or other scale as approved by the Subdivision Administrator.
  - e. North point.
  - f. Date of preparation.
2. The following data regarding existing conditions shall be provided for preliminary plats:
  - a. Boundary line survey, including measured distances and angles which shall close by latitude and departure with an error of closure not exceeding one (1) foot in ten thousand (10,000) feet.
  - b. Total acreage in said preliminary plat computed to one tenth (1/10) of an acre.
  - c. Total square footage of each lot.
  - d. Location and names of existing or platted streets or other public ways, parks and other public open spaces, buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract at the time of submission of the plat.
  - e. If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the plat of record along with its original name shall be indicated by dotted or dashed lines. Also, any revision or vacated roadway of the original plat of record shall be so indicated.

- f. Location and size of existing surfaced streets shall be shown, as well as all railroads, sewers, water mains, gravel pits, culverts, or other underground facilities within and to a distance of one hundred (100) feet beyond the tract.
    - g. Boundary lines of adjoining platted or unplatted land within one hundred (100) feet beyond the tract.
    - h. Complete topography map that extends 100 feet beyond the subdivision boundary line with contour intervals not greater than two (2) feet, water courses, high water elevation, and date thereof (of parts of platted area that are wet or have been wet, or have been subject to flooding), marshes, rock outcrops and other significant features; all superimposed on at least one print of preliminary plat. United States Geodetic Survey datum NAVD88 shall be used for all topographic mapping.
    - i. In the case of a subdivision where no new street is involved, the prescribed topographic map requirements shall be left up to the discretion of the City Engineer or the Department of Public Works Director.
    - j. Existing zoning of proposed subdivision property and existing zoning of adjacent property.
    - k. Location of any corporate boundary within or adjacent to the proposed plat.
    - l. Location and identification of any section lines within or adjacent to the proposed subdivision.
3. The following data regarding proposed development design features of the preliminary plat shall be provided:
  - a. Layout of proposed streets, alleys, pedestrian ways and easements, showing right-of-way widths and proposed names of streets. The name or number of any street similar to or heretofore used in the City of Beach shall not be permitted unless the proposed street is an extension of an already named street in which event that name or number shall be used. All street names or numbers shall be subject to the approval of the Zoning Commission.
  - b. Layout, numbers and approximate dimensions of lots, square footage area of each lot, and the number or letter of each block.
  - c. Proposed Public Improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
  - d. Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any

conditions of such dedication or reservation.

- e. Vicinity sketch, at a scale of one (1) inch equals one thousand (1,000) feet or less for an area one-half (0.5) miles in radius of the tract, to show the relation of the plat to its surroundings.
- f. A statement of proposed improvements to be installed by the subdivider
- g. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk.
- h. A preliminary stormwater management plan which includes:
  - 1. The proposed preliminary grading plan shown at contours as required to clearly indicate the relationship of the proposed changes to existing topography and remaining features;
  - 2. A preliminary drainage plan of the developed site delineating the direction and rate stormwater runoff will be conveyed from the site and setting forth the areas of the site where stormwater will be collected; and
  - 3. Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the preliminary review of the project.
- j. For a proposed subdivision plat within or adjacent to the corporate limits, a preliminary utility servicing plan is also required. This preliminary utility servicing plan shall include:
  - 1 The location of any existing municipal utilities within or adjacent to the plat; and
  - 2 The proposed location of sanitary sewer mains and watermains within the subdivision, how these mains are proposed to connect to the existing utility systems, and any easements on adjacent property required to accommodate connections.

**B. Specifications for Final Plats:**

- 1. The final plat shall contain the following:
  - a. The final plat prepared for recording purposes shall be prepared in accordance with provisions of North Dakota State Statutes and applicable City and County regulations.

- b. Name of subdivision: Names shall not duplicate or too closely approximate the name of any existing subdivision in Golden Valley County except when such plat is an addition to an existing plat of record. The name of a rearrangement of an existing plat may be shortened from a complete legal description of the rearrangement by stating "(said rearrangement) hereafter to be known as \_\_\_\_\_."
- c. Location by quarter section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in ten thousand (10,000) feet. The plat must indicate that all outside boundary monuments have been set and indicate those interior monuments that have been set. Location of such monuments shall be shown in reference to existing official monuments or to the nearest established street lines, including true angles and distances to such reference point or monuments. Permanent monuments shall be placed at each corner of each block or portion of a block, points of curvature and points of tangents on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod, at least one-half (0.5) inch in diameter and eighteen (18) inches long extending at least two (2) feet below the finished grade. In situations where conditions prohibit the placing of monuments in the location prescribed above, offset markers will be permitted.
- d. The monuments for the boundary line of the subdivision must be placed prior to recording the final plat, the monuments for block corners and the points of curvature and tangency of each curve in a street line on both sides of the street must be placed upon completion of roadway and municipal utility improvements, and monuments for lot corners and each point of deflection in the interior lot lines must be placed prior to obtaining a building permit for that lot.
- e. Locations of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and hundreds of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
- f. 100 year floodplain and floodway elevations and topographic contours with a minimum contour interval of two (2) feet for the portion of the plat lying within the designated floodplain, with an indication of datum used.
- g. Boundary lines and description of boundary lines on any areas other than streets and alleys which are to be dedicated or reserved for public use.
- h. Lots shall be numbered clearly and the square footage of each lot shall be shown. Block numbers shall be shown clearly in the center of the block and all streets shall be named.

- i. Names and addresses of owners, subdividers, and developers, designer of the plat, surveyor and his registration number, making the plat.
  - j. The scale of the plat shall be not less than one (1) inch to one hundred (100) feet or other scale as approved by the City Engineer or Director of Public Works to be shown graphically, north point, and date of preparation. For plats requiring more than one sheet an index shall be provided.
  - k. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements."
  - l. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby also dedicated.
2. Certifications Required on Final Plats:
- a. All signatures (except the surveyor preparing the plat) shall be notarized in black ink (not ballpoint pen).
  - b. Notarized certification by owner and by any mortgage holder of record of their consent of the plat and the dedication of streets and other public areas.
  - c. Notarized certification by registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimension and geodetic details are correct. The Surveyor's Certification must also state that the surveyor holds a valid registration in North Dakota.
  - d. Space for Certificates of Approval to be filled in by the signatures of the owner(s), surveyor, President of the Zoning Commission, City Auditor, Mayor of the City Council, and Notary Publics for each as well as the Golden Valley County Recorder. The form of approval by the Zoning Commission is as follows:

(1) Certificate of Registered Surveyor

I, \_\_\_\_\_, BEING A REGISTERED NORTH DAKOTA LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PROPERTY SHOWN HEREIN AND THE WITHIN MAP IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED, AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE NORTH DAKOTA CENTURY CODE AND THE CITY OF BEACH SUBDIVISION ORDINANCES TO THE BEST OF MY KNOWLEDGE AND BELIEF.

\_\_\_\_\_  
Registered Land Surveyor

State of North Dakota  
County of Golden Valley

Be it known that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_ and acknowledged the execution and signing of the above Certificate of Registered Land Surveyor to be his voluntary act and deed.

\_\_\_\_\_  
(Name) Notary Public

Golden Valley County, North Dakota

My Commission Expires: \_\_\_\_\_

(2) Owners Consent and Dedication

We, the undersigned, being all the owners and mortgage holders of the lands platted herein, do hereby voluntarily consent to the execution of said plat, and do dedicate the streets, alleys, parks, and public grounds as shown there on, including all sewers, culverts, bridges, water distribution lines, side walks, grounds, whether such improvements are shown or not, to the public use forever.

We agree not to vacate any portion of this plat without consent of the Zoning Commission and the City of Beach. We also hereby dedicate easements, to run with the land, for water, sewer, gas electric, telephone or other public utility lines or services under, on, or over those certain strips of land designated hereon as "utility easements".

\_\_\_\_\_  
Owner

State of North Dakota  
County of Golden Valley

Be it known that on the day of \_\_\_\_\_, before me personally appeared \_\_\_\_\_ and \_\_\_\_\_, and acknowledged the execution and signing of the above Consent and Dedication to be his (her, their) voluntary act and deed.

\_\_\_\_\_  
Notary Public,

Golden Valley County, North Dakota

My Commission expires: \_\_\_\_\_



(3) Zoning Commission Approval

The subdivision of land shown hereon has been approved by the Zoning Commission of the City of Beach on \_\_\_\_\_, \_\_\_\_\_, in accordance with the laws of the State of North Dakota, ordinances of the City of Beach, and regulations of said Zoning Commission.

\_\_\_\_\_  
(Name) President

State of North Dakota  
County of Golden Valley

Be it known that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared (name), President of the Zoning Commission of the City of Beach and acknowledged the execution and signing of the above.

\_\_\_\_\_  
Notary Public

Golden Valley County, North Dakota

My Commission expires: \_\_\_\_\_

(4) Approval by City Council

By virtue of Ordinance No. \_\_\_\_\_, the City Council of the City of Beach, North Dakota, has approved the subdivision of land shown hereon; has accepted the dedication of all streets, alleys and other public ways shown hereon lying within the corporate limits of the City of Beach; has accepted the dedication of all parks and other public areas shown hereon (except those public areas specifically dedicated to other public bodies); and has ordered the vacation of streets, alleys, and public ways of a subdivision previously recorded with the Recorder of Golden Valley County in Book\_\_\_\_\_, Page\_\_\_\_\_, more particularly described as follows:

NOTE: Use only that part of this paragraph that is applicable to the subdivision.

Further, said City Council has approved the streets, alleys, and other public ways and grounds as shown hereon as an amendment of the Comprehensive Street and Highway Plan and any other appropriate portion of the Comprehensive Plan of the City of Beach.

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
City Auditor

\_\_\_\_\_  
Mayor, City Council

Be it known that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_ and known to me to be the persons who executed the above certificate and acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public  
Golden Valley County, North Dakota

My Commission expires: \_\_\_\_\_

NOTE: A similar form will be required for acceptance of any streets or public lands dedicated to any governing body other than the City of Beach.

(5) Certificate of the Golden Valley County Recorder

This plat was filed for record in the office of the Golden Valley County Recorder, in the State of North Dakota at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_, and was duly entered in the Book \_\_\_\_\_ Page \_\_\_\_\_.

\_\_\_\_\_  
Golden Valley County Recorder

- C. The following information shall accompany the final plat and shall be filed therewith at the time the final plat is submitted to the Zoning Commission.
  - 1. Plan and profiles of streets showing grades approved by the City Engineer. The profiles

shall be drawn to City standard scales and elevations and shall be based on a datum plane approved by the City Engineer or Director of Public Works.

2. A certificate by the City Auditor certifying that the subdivider has complied with one of the following alternatives:
  - a. All improvements as described in Section 14 of these regulations have been installed in accord with the requirements of these regulations and with the action of the Zoning Commission giving approval of the preliminary plat, or
  - b. A bond or certified check has been posted, which is available to the City, and in sufficient amount to assure such completion of all required improvements.
3. Restrictive covenants in form for recording.
4. A current title opinion stating the name of the owner of record or an attorney's opinion of title, running to the benefit of the governing body affected by the plat, station the name of the owner of record. "Current" means the title opinion or attorney's opinion has been prepared within six months prior to the date of application for approval of a subdivision.
5. Other Data: Such other certificates, affidavits, endorsements, or deductions as may be required by the Zoning Commission in the enforcement of this ordinance.

#### SECTION 11. DESIGN STANDARDS:

##### A. Streets and Alleys:

1. The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the Beach Comprehensive Plan. Except for cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivision, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets to the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed use of the area to be served.
2. Minor streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs will be permitted where conditions justify their use. Street cul-de-sacs shall normally not be longer than six hundred (600) feet, including a terminal turn-around which shall be provided at the closed end, with an outside right-of-way radius of not less than sixty (60) feet.
3. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

4. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-sub division, with provision for adequate utility connections for such re-sub division.
5. 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. The minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than one hundred fifty (150) feet shall be avoided.
6. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a limited or controlled access U.S. or State Highway or a thoroughfare, the Zoning Commission shall determine which provision shall be required: (a) for a service road approximately parallel and adjacent to the boundary of such right-of-way, (b) for a street at a distance suitable for the appropriate use of land between such street and right-of-way, or (c) for double frontage lots and a reservation strip along the rear or thorough fare property line with a screen planting. Such distance shall be determined with due consideration of the minimum distance for approach connections to future grade separations, grade crossings or for lot depths.
7. Alleys shall be provided except that this requirement may be waived where other definite and assured provision is made for emergency vehicle (police, fire and ambulance) and service access, such as off-street loading, unloading and parking consistent with and adequate for uses proposed. Alleys, where provided, shall not be less than twenty (20) feet wide for residential alleys and not less than twenty-five (25) feet for commercial and industrial alleys. Dead-end alleys will not be permitted, except that this requirement may be waived where an adequate turn-around for emergency vehicles (fire, police and ambulance) is provided.
8. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest. If a half street right-of-way is approved, parking shall be prohibited on such half street until a full street right-of-way is provided.
9. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets shall be as shown in the Comprehensive Plan for Beach, and where not shown therein, the minimum right of -way for streets, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

#### Right-of-Way

Major Arterial Street	100 feet
Minor Arterial Street	80 feet
Collector Street	60 feet
Minor Street	50 feet
Service Road	30 feet
Residential Alley	20 feet
Industrial-Commercial Alley	25 feet
Pedestrian Way	10 feet

Where existing or anticipated traffic or utilities warrant greater widths of street right-of-way, these shall be required.

10. All proposed streets shall be offered for dedication as public streets.
11. Reserve strips in private ownership controlling access to streets shall be prohibited.
12. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
13. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 400 feet for collector streets, and of such greater radii as the Zoning Commission shall determine for special cases.
14. Pavement widths shall measure from the back of the curbs of roadways and shall not be less than the following:
  - a. Major arterial streets - 48 feet
  - b. Minor arterial streets - 44 feet
  - c. Collector streets - 44 feet
  - d. Local street - 34 feet
  - e. Cul-de-sacs radius of cul-de-sac shall be the same as street width with a minimum radius of 45 feet.
  - f. Alleys - 20 feet
  - g. Sidewalks - 5 feet

- h. The Swale concept is approved where internal pedestrian walks and bike-ways are provided.
- 15. No street names or numbers shall be used which will duplicate or be confused with the names of existing streets. Street names or numbers shall be subject to the approval of the Zoning Commission.
- 16. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:
  - a. Arterial streets - 6 percent
  - b. Collector streets - 8 percent
  - c. Local streets - 10 percent
- 17. No street grade shall be less than four tenths (4/10) of one (1) percent.
- 18. Flat grades are preferred from fifty (50) to one hundred (100) feet away from an intersection, but in no case shall grades exceed four (4) percent for a distance of at least fifty (50) feet from all intersections.
- 19. General considerations:
  - a. Intersections of more than two (2) streets at a point shall not be permitted.
  - b. Alleys or other appropriate access shall be provided in commercial and industrial districts.
  - c. Dead-end streets as permanent features shall be prohibited.
  - d. The quality of construction (materials and workmanship) shall conform with project standards and specifications.

B. Easements:

- 1. Where alleys are not provided, an easement for utilities at least ten (10) feet in width shall be provided along each rear lot line and along any other line as may be deemed necessary by the City Engineer to form a continuous right-of-way of at least twenty (20) feet in width, said greater or lesser width shall be specified by the City Engineer or Director of Public Works and provided accordingly upon the plat.
- 2. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council, by resolution upon the recommendation of the City Zoning Commission.

3. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.
4. Where a subdivision is traversed by a water course, coulee, drainage way, channel, or stream, a storm water easement, drainage right-of -way or park dedication, whichever the Zoning Commission may deem the most adequate, conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the City Engineer or Director of Public Works.
5. The use of underground installation of all utilities (including power, gas, telephone and cable television) is strongly encouraged in the new subdivisions.

#### C. Blocks:

1. Block length - in general, intersecting streets, determining block length, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed thirteen hundred and twenty (1,320) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than six hundred (600) feet, pedestrian ways and/or easements through the block may be required. The width and location of such pedestrian ways shall be subject to No. 2 below and to the approval of the City Engineer or Director of Public Works and the Zoning Commission. Blocks for business or industrial use should normally not exceed seven hundred (700) feet in length.
2. Block Width - The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth, except in such cases where lots fronting on service roads are necessary for traffic control. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

#### D. Lots:

1. The minimum lot area, width and depth shall not be less than that established by the Beach Zoning Ordinance, except that in those areas in which the public sewer facilities are not likely to be available before development, the Zoning Commission may require lot size to accommodate adequate land use density and sewage disposal systems, in conformance to the Comprehensive Plan of Beach and the City Zoning Ordinance.
2. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as defined in the Beach Zoning Ordinance.

3. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
4. Where a subdivision is traversed by a water course, coulee, drainage way, channel, or stream, a storm water easement, drainage right-of -way or park dedication, whichever the Zoning Commission may deem the most adequate, conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the City Engineer or Director of Public Works.
5. The use of underground installation of all utilities (including power, gas, telephone and cable television) is strongly encouraged in new subdivisions.

E. Public Sites and Open Spaces

1. In subdividing land or re-subdividing an existing plat, due consideration shall be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, conservation areas, or other public or semi-public recreational areas or open spaces. Areas so dedicated or reserved shall conform as nearly as possible to the comprehensive plan, as determined by reasonable discretion of the City Council upon recommendation of the Zoning Commission. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.
2. Residential Subdivisions. The subdivider of any tract of land which is to be developed for residential uses shall dedicate to the public for public use as parks, playgrounds, public open space, or storm water holding areas or ponds, that percentage of the net tract to be subdivided which corresponds with the applicable density of the subdivision in the following schedule:

<u>Density</u>	<u>Percentage</u>
0 to 6 dwelling units per acre	6
7 to 12 dwelling units per acre	7
13 to 20 dwelling units per acre	8

Subdivisions of 3 acre lots or larger shall not have to dedicate for parks or open space.

If the density of the proposed residential subdivision exceeds twenty (20) dwelling units per acre, the City Council shall require the dedication of such percentage of the proposed subdivision as it deems reasonable and in the public interest, which percentage shall in no event be less than eight (8%) percent nor more than ten (10%) percent.

3. Commercial, Industrial and Other Developments. In accordance with the purpose and



intent of this subparagraph, the developer of any tract of land for any uses enumerated in this subparagraph shall dedicate to the public for public use as parks, playgrounds, public space, or storm water holding areas or ponds, such portion of his development tract, not to exceed six percent (6%) thereof, as the City Council deems to be reasonable and in the public interest, taking in consideration the locale of the development tract, its accessibility, serviceability, and zoned use.

4. Dedications of land or cash in lieu of dedication of land for public sites and open space shall be based on the net usable land, that is, the amount of land left after dedication of public streets and alleys, as indicated by the square footage on the preliminary plat.
5. Delineation of Area to be Dedicated. The actual area to be dedicated for public use as parks, playgrounds, public open space, or storm water holding areas or ponds shall be delineated on the preliminary and final plat. Copies of such preliminary plat or site plan shall be referred to the Park Board for its scrutiny and report to the Commission of its findings, conclusions, and recommendation, this referral being in addition to the referral to the Zoning Commission.
6. Cash in Lieu of Dedication of Land. In lieu of dedication of land, the City Council, upon recommendation of the Zoning Commission and, or Park Board, may require the subdivider to pay an amount in cash equal to the estimated market value. Market value shall be the purchase price of the land if the land was purchased within twelve (12) months prior to application for the preliminary plat. If the purchase or ownership of the land is prior to twelve (12) months before application, the land will be appraised by an appraiser selected by the City and the subdivider at the time of application for the preliminary plat. If agreement cannot be reached by this method, three (3) appraisals will be obtained. The three (3) appraisals will be independent of each other and provided by the City of Beach and the subdivider, as noted in the first method, the City of Beach, and the subdivider. To obtain a final estimated market value a correlation of the three (3) appraisals will be made by the City Council and the subdivider or agents thereof.
7. The amount due will be determined by dividing the market value by the number of square feet in the parcel to arrive at a price per square foot. The price per square foot will be taken times the number of usable square feet to arrive at a net market value. The net market value will be taken times the appropriate percentage, as defined in Subsections 2 and 3, to arrive at the amount due for Cash in Lieu of Dedication. Cash in Lieu of Dedication must be agreed on and paid prior to acceptance of the Final Plat by the City Council.
8. Restriction on Use of Cash in Lieu of Dedication. All Cash in Lieu of Dedication received by the City pursuant to Paragraph 6 in this Section 11 shall be placed in a special fund and used only for acquisition of land for parks, playgrounds, public open space, and storm water holding areas or ponds, development of existing park and playground sites, public open space, and debt retirement in connection with land previously acquired for such public purposes, all within the general location of the subdivision from which the

cash in Lieu of Dedication is received or for any community park facilities that would serve the same subdivision.

F. Planned Unit Development:

1. The subdivision of land in a Planned Unit Development (P.U.D.) shall follow the development agreements as determined by the City Zoning Commission and City Council. Any variance required of this ordinance for the adoption of the P.U.D. shall herein be considered as a part of the approval of the P.U.D.

SECTION 12. SCHEDULE OF FEES

The City Council shall establish a schedule of fees and a collection procedure to cover the cost of examining plans, advertising and holding public hearings, and other expenses incidental to the processing, review and approval of a subdivision. The schedule of fees shall be posted in the office of the Subdivision Administrator and may be altered or amended only by the City Council.

All applicable fees shall be paid in full at the time of application for tentative approval of a preliminary plat. If, because of the failure of the subdivider to submit a final plat within twelve (12) months after receiving tentative approval of the preliminary plat, it will be necessary to re-submit a preliminary plat for tentative approval, the subdivider shall be required to pay a new fee based upon the fee rates in effect at the time of such re-submission.

SECTION 13. VARIANCES

A. General Conditions: The Zoning Commission may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Commission shall take into account the nature of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Commission finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land when compared to the reasonable use of land as enjoyed by neighboring land owners.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
  3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or property values in the territory in which said property is situated.
- B. Applications Required: Applications for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

#### SECTION 14. REQUIRED IMPROVEMENTS

##### A. Statement of Policy:

1. It is hereby declared to be the policy of the City to require installation of Sanitary Sewer, Storm Sewer, Watermain, Street Grading, and Street Surfacing in all new subdivisions within the City boundaries, and storm sewer, street grading, street surfacing and approved sewage disposal and water systems within the general jurisdiction of this Ordinance.
2. The following improvements shall be installed at the sole expense of the developer:
  - a. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Such drainage facilities shall be constructed in accordance with the standards and specifications for street construction as approved by the City Engineer or Director of Public Works.
  - b. The full width of the right-of-way shall be graded, including the sub-grade of the areas to be paved, in accordance with standards and specifications for street construction as approved by the City Engineer or Director of Public Works.
  - c. Sanitary Sewer in the City limits to serve the entire subdivision including service connection, extended to the property line, for each lot or, in areas outside the City, sufficient percolation tests to insure proper function of independent systems.
  - d. Watermain in the City limits to be provided where the City deems it to be reasonably available to serve the entire subdivision including valves, fire hydrants and service connections (extended to the property line) to serve each lot or, in areas outside the City, adequate insurance that individual water systems will function in the subdivision.
  - e. Street Identification Signs. Street identification signs of the standard design approved

by the City Council shall be installed at each street intersection.

3. In the case of the improvements set forth below, the developer shall install the same at his own expense or, as an alternative, shall submit a legally sufficient petition for the installation of the same. Such petition must be submitted prior to, or at the time of, the request for final plat approval in accordance with Section 6 of this Ordinance.
  - a. Street surfacing. All streets shall be improved with bituminous or concrete surfacing to overall width in accordance with City standards.
  - b. Street Trees. Street trees shall be planted in residential areas of subdivisions in conformance with City Standards and Specifications for Street Tree Planting as established by the City Forester.
  - c. Curbs, Gutters and Sidewalks. Curbs, gutters, and side walks shall be provided in conformance with the standards and specifications as approved by the City Council.

B. No final Plat Shall be Approved by the City Unless the Owner or Subdivider:

- a. Shall have installed survey monuments at all block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat;
- b. Shall have installed approved iron monuments, at each corner or angle on the outside border, minimum one-half (0.5) inch diameter eighteen (18) inches long;
- c. Shall have preserved in precise position, all United States, State, County or other official benchmarks, monuments or triangulations, stations in or adjacent to the property, all as required by the City Engineer or Director of Public Works;

- a. Shall have furnished a cash deposit or corporate surety bond conditioned that the applicant will faithfully perform all requirements by him undertaken with reference to the proposed plat and will install all required improvements;
- b. Shall have approved plans and specifications as listed below:

C. Plans and Specifications: A developer or subdivider shall have the option of developing his subdivision under option 1 or 2 below, except that a subdivision outside of the corporate City limits shall be required to follow option 2 only.

1. City Development Option.

- a. Plans and specifications for the construction of required improvements shall be prepared by a registered and licensed engineer or subject to his approval. All construction shall be in accordance with such plans and specifications and subject to the City Engineer's or Director of Public Works' inspection and approval. Required bond amounts shall be determined by the City Engineer or Director of Public Works.
- b. Upon completion of all improvements ordered to be made in the subdivision, the City Council shall direct that the assessable cost thereof be levied less any portion of the cost contributed or paid by the owner or subdivider, and after required hearing, the City Council will proceed as provided by law to levy said assessed costs.

2. Private Development Option.

- a. Before a final plat is approved by the City, the owner and subdivider of the land covered by the said plat shall execute and submit to the City an agreement, which shall be binding on his or their heirs, personal representatives and assigns, that he will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following, as respects the streets to which the lots sought to be constructed have access.
- b. Prior to the making of such required improvements, the owner or subdivider shall deposit with the City an amount equal to one and one-half (1.5) times the City Engineer's or Director of Public Works' estimated cost of such improvements, either in cash or an indemnity bond, with sureties satisfactory to the City conditioned upon the payment of all construction costs incurred in making of such improvements and all expense incurred by the City for engineering and legal fees and other expense in connection with the making of such improvements.
- c. The subdivider shall submit with the final plat or at the time of completion of improvements, if bonded, a certificate of completion of required improvements. Such certificates shall be prepared by a registered engineer and shall include a statement of the inspection and approval of the same by the City Engineer. Drawings showing all improvements built shall be filed with the City.

D. Building Permit: No building permit shall be issued for the construction of any building, structure or improvement on any land required to be subdivided by these Regulations until all requirements of these Regulations have been fully complied with.

E. No final plat shall be approved by the City Council on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage, the final plat of the subdivision may be approved.

F. All of the required improvements to be installed under the provisions of this ordinance shall

be inspected during the course of their construction by the City Engineer or Director of Public Works. All of the inspection costs pursuant thereto shall be paid by the owner or subdivider in the prescribed manner. All required improvements shall be installed by the developer at no cost to the City.

#### SECTION 15. ENFORCEMENT:

##### A. Validity:

1. No plat or subdivision of the City of Beach or within the extra territorial limits thereof shall be recorded or filed with the Golden Valley County Recorder, nor shall any plat or subdivision have any validity until it complies with the provision of this ordinance and has been approved by the City Council and the applicable Zoning Commissions, as prescribed herein.

##### B. Building Permits:

1. Not more than one building permit shall be issued for each separate tract existing at the effective date of these regulations unless the tract shall have been platted in accordance with the provisions of these regulations.

##### C. City Funds Expended:

1. No public improvements over which the City Council has control shall be made with the City funds, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the date of the adoption of these regulations unless such subdivision and streets have been approved in accordance with the provisions of this ordinance and the street accepted by the City Council as a public street.

#### SECTION 16. PENALTY:

Any owner, or the agent of any owner, of land located within a subdivision who transfers, sells, agrees to sell, or negotiates to sell any such 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 Zoning Commission and governing body and recorded as approved in the office of the appropriate Register of Deeds, shall forfeit and pay a penalty as provided by Section 40-48-23 of the North Dakota Century Code. (One Hundred Dollars (\$100.00) for each lot or parcel transferred or sold or agreed or negotiated to be sold.) The description of such lot or parcel by metes 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 civil action.

SECTION 17. AMENDMENTS:

Changes in these regulations, as amendments, may be adopted by the City Council after a public hearing on any such change with ten (10) days notice thereof. Each proposed change shall be submitted to the Zoning Commission for a report thereon. Failure to report within thirty (30) days shall be deemed to be approval, unless an extension of time is agreed to by both parties.

SECTION 18. REPEAL OF CONFLICTING ORDINANCES AND REGULATIONS:

From and after these regulations take effect, all regulations, ordinances and part of the City of Beach and the City Zoning Commission in conflict herewith are hereby repealed.

SECTION 19. VALIDITY:

If any section, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or void, such decision shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared invalid.

SECTION 20. EFFECTIVE DATE:

This ordinance shall be in effect from and after its adoption and publication as required by law.

APPROVED: CITY OF BEACH

(Seal)

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Walter Losinski, Mayor,  
City of Beach, North Dakota

ATTEST:

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Kimberly Nunberg, City Auditor

First Reading: May 5, 2015  
Second Reading: May 18, 2015  
Final Reading: May 18, 2015