



CITY OF DUNDEE
ORDINANCE NO. 89
SUBDIVISION

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ORDINANCE NO. 59

AN ORDINANCE PROVIDING SUBDIVISION AND OTHER LAND PARTITIONING STANDARDS AND PROCEDURES, REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING PENALTIES FOR VIOLATION HEREOF, AND DECLARING AN EMERGENCY.

THE CITY OF DUNDÉE, OREGON, DOES ORDAIN AS FOLLOWS:

Section I. Purpose. The purpose of this ordinance is to provide rules, regulations and standards to govern the approval of plats of subdivisions and also of partitioning of land by creation of a street or way, to carry out the development pattern and plan of the city of Dundee and to promote the public health, safety and general welfare, lessen congestion in the streets, secure safety from fire, flood, pollution and other dangers, provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewerage, drainage, and to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval, all pursuant to the powers granted by ORS 92.010 through ORS 92.990.

Section II. Approval of Subdivisions.

A. The planning commission shall have all the power and duties with respect to preliminary and final plans and maps of subdivisions and the procedure related thereto, which are specified and authorized by law and by this ordinance.

B. Approval by the planning commission of all subdivisions of land within the boundaries of the City of Dundee, before a plat for any such subdivision may be filed or recorded in the office of the county recording officer, is hereby required in accordance with this ordinance.

Section III. Definitions. As used in these regulations the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

1. Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.

2. Development plan. Any plan adopted by the planning commission for the guidance of growth and improvement of the city, including adjustments made from time to time to meet changing conditions or unanticipated problems and conditions

affecting the public or land owners.

3. Easement. A grant of the right to use a strip of land for specific purposes.

4. Lot. A parcel of land intended as a unit for transfer of ownership or for development.

(a) Reversed corner lot. A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

(b) Double frontage lots. A lot having frontage on two parallel or approximately parallel streets other than alleys.

5. Pedestrian way. A dedicated right-of-way for pedestrian traffic.

6. Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

7. Planning Commission. The planning commission of the city.

8. Planning control area. An area in a state of incomplete development within which special control is to be exercised over land partitioning.

9. Plat. Includes a final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision by which the subdivider's plan of subdivision is presented, and which he submits for approval and intends in final form to record.

10. Regulations. The word "regulations" refers to the provisions of this ordinance.

11. Right-of-way. The area between boundary lines of a street or other easement.

12. Roadway. The portion or portions of street right-of-way developed for vehicular traffic.

13. Sidewalk. A pedestrian walkway with permanent surfacing.

14. Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road", "highway", "lane", "place", "avenue", "alley", or other similar designations.

(a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(b) Arterial. A street which is used primarily for through traffic or which, by its location will likely be needed for such use in the normal growth of the city.

(c) Collector. A street supplementary to the arterial street system used to some extent for through traffic and to some extent for access to abutting properties.

(d) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a turnaround.

(e) Half-street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.

(f) Marginal access street (frontage road). A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(g) Minor street. A residential street intended exclusively for access to abutting properties.

15. Street Plug. A narrow strip of land located between a subdivision and other property, not dedicated to public use, but conveyed to the city for the purpose of giving the city control over development of the adjacent property.

16. Subdivide land. Means to partition a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcels exist as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning.

17. Subdivision. Either an act of subdividing land or a tract of land subdivided as defined in this section.

18. City: The City of Dundee, Oregon.

Section IV. Pre-Application Procedure & Preliminary Plat.

A. When a land owner or subdivider decides to subdivide a parcel of land, it is recommended that he or his agent call at the planning commission office with a preliminary sketch of his proposed development. The planning commission shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the over-all city development pattern, existing and proposed state and county highways and city streets, and public utilities. On reaching conclusions informally as recommended, regarding the general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in the preliminary plat.

B. 1. Place and Time. The subdivider shall file four (4) prints of the preliminary plan with the planning commission for consideration by the planning commission at its next regular meeting or as soon thereafter as feasible.

2. City planning commission. The city planning commission shall furnish the Yamhill County Surveyor, Yamhill County Sanitarian and Yamhill County Engineer with a print of the proposed subdivision.

3. Tentative Approval of Preliminary Plat. The planning commission will review the plan and may give tentative approval to the preliminary plan as submitted or as it may be modified or, if disapproved, shall express its disapproval and reason therefor.

4. Effect of Approval. After such approval of the preliminary plat, the subdivider may proceed with the final surveying and preparation of the final plat.

C. Information Required.

1. Scale. When practicable the drawing shall be at a scale of one inch equals one-hundred (1" = 100) feet. The scale may be increased or decreased if necessary in order to fit the drawing on the legal sized plat of 18 x 24 but in all cases the scale to be used shall be standard being 10, 20, 30, 40, 50, or 60 feet to the inch or multiples of ten (10) of any one of these scales.

2. The preliminary plat shall, in clear and legible form, include the following information with respect to the proposed subdivision area, on the map where practicable, otherwise

on separate sheets of paper in a written statement and signed by the developer or owner.

(a) Proposed name of subdivision. (This must not duplicate or resemble the name of another subdivision in the city and must be approved by the planning commission.

(b) Date, north point, scale of drawing, vicinity map and sufficient description to define the location and boundaries of the proposed tract.

(c) Names and addresses of owner, subdivider and engineer or surveyor.

(d) Location, names, road numbers and present width of adjacent roads, streets, highways, or ways.

(e) All preliminary plats shall show the following:

(i) Two (2) foot contour intervals for ground slopes between one (1) per cent and ten (10) per cent.

(ii) Five (5) foot contour intervals for ground slopes exceeding ten (10) per cent.

The planning commission may require in addition to the above, the locations and elevations of a bench mark and the elevations of all points used to determine contours correctly shown, (assumed datum is acceptable if the Yamhill County grid is not within 1/2 mile of the project) and the base date thereof used by the surveyor and the certification stamp or seal and signature of the professional surveyor or engineer under whose direction the elevations and contours were determined.

(f) The approximate width and locations of all drainage easements shall be shown on the plat.

(g) Approximate radii of all curves.

(h) Approximate dimensions and minimum area of the smallest lot shall be certified by the owner or surveyor.

(i) Approximate location of areas subject to inundation or storm water overflow, or all areas covered by water, and the location, width, and direction of flow of all water courses.

(j) Existing use or uses of the property, including the location of existing structures to remain on the property.

(k) Proposed use of the property and outline of deed restrictions.

(l) Statement of the subdivision improvements proposed to be made or installed.

(m) Statement regarding water system to be installed, including source.

(n) Provisions for sewage disposal, drainage, and flood control which are proposed.

(o) Public areas proposed.

Section V. Final Plat.

A. Submission of the Final Plat. Within one year after approval of the preliminary plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a final plat prepared in conformance with the preliminary plan as approved. The subdivider shall submit the original drawing, the tracing, and any supplementary information to the planning commission. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the preliminary plat by the planning commission, he must resubmit his preliminary plat to the planning commission and make any revision considered necessary by the planning commission to meet changed conditions. No fee will be required for resubmission if the previously approved plat has not been substantially changed.

B. Information on Final Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:

1. The date, scale, northpoint (generally pointing up), legend, and controlling topography such as creeks, highways, and railroads.

2. Legal description of the tract boundaries.

3. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to recorded surveys as follows:

(a) The locations and descriptions of all monuments shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

(b) Adjoining corners of all contiguous subdivisions.

(c) Section, township, range, donation land claim lines and boundaries of any recorded subdivisions abutting the plat.

(d) Whenever the city has established the center line of a street adjacent to or within the proposed subdivision, the location of this line shall be shown.

4. Lines with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings for tract, lot and block boundaries and street right-of-way and center lines. Error of closure shall be within the limit of one foot in 4,000 feet. No ditto marks shall be used.

5. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the widths on each side of the center line. For streets on curvature, curve data shall be based on the street center line and in addition to center line dimensions shall indicate thereon the radius and central angle. This data may be shown in a table.

6. Drainage easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, its recorded reference. If any drainage easement is not definitely located of record, a statement of the easement. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement as being dedicated by the map shall be properly referenced in the owner's certificates of dedication.

7. Lot numbers beginning with the number "1" in each block.

8. Block numbers, if used, should begin with the number "1" and continue consecutively without omission throughout the subdivision and any additions thereto. In platting an addition to a subdivision of the same name wherein a partial block is extended to include additional lots, the existing block number shall be used and the lots shall be numbered consecutively, without omission or duplication, as a continuation of the lot numbering of record in such partial block. The block numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.

9. Land parcels to be reserved for any special purpose, other than for sale, are to be distinguished from lots intended for sale.

10. The following certificates, which may be combined where appropriate:

(a) The final plat shall contain a certificate signed and acknowledged by all parties having any record title interest in the land subdivided.

(b) An affidavit signed by the engineer or the surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by his seal.

(c) Provisions for all other certifications now or hereafter required by law.

C. Supplemental Information With Final Plat. The following data shall accompany the final plat.

1. A preliminary lot, book title report issued by a title insurance company in the name of the owner of the land, showing all parties having any record title interest in the premises.

2. A copy of deed restrictions, including building set-back lines, if any area applicable to the subdivision, and a copy of any dedication which required separate documents.

3. A certificate by the city engineer certifying that the subdivider has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the planning commission giving tentative approval of the preliminary plat, or

(b) An agreement has been executed as provided in Section V-F and V-G.

4. A certificate from the city engineer indicating that the proposed water and sewage systems have had the necessary official clearance and approval by all the legally responsible regulating agencies, including those of Yamhill County and the State of Oregon.

D. Approval of the Final Plat. Upon receipt by the planning commission, the final map and other data shall be reviewed. If the commission determines that the final plat is in full conformance with the approved preliminary plat and other ordinances, approval of the final plat shall be by a resolution of the

commission. The planning commission's approval of the final plat does not constitute or effect an acceptance by the public of dedication of any street or other improvement or way shown on the plat.

E. Approval of City Engineer. After its approval the planning commission shall transmit the final map, tracing and other data to the city engineer. The city engineer may make such checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose. When the city engineer finds the documents in full conformance, and has been paid the statutory fee for such service, he shall sign his approval in the space provided.

F. Agreement for Improvements. Before planning commission approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision, or execute and file with the city council an agreement between himself and the city specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the city may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages, for the extension of time under conditions therein specified, and for the termination of the agreement upon the completion of proceedings under an assessment district program for the construction of improvements specified in the agreement.

G. Bond.

1. The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following, to be specified by the city council:

(a) A personal bond co-signed by at least 2 sureties who are acceptable to the city council. The subdivider and the sureties shall submit evidence of financial responsibility, and financial resources of those signing the bond shall provide a reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.

(b) A corporate surety bond executed by a surety company authorized to transact business in the State of Oregon.

(c) Cash or cash in escrow.

2. Such assurance of full and faithful performance shall be for a sum approved by the city engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

3. In the event the subdivider fails to carry out all provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursements. If the amount of the bond or cash deposit exceeds cost and expense incurred by the city, it shall release the remainder, and if the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.

H. Filing of Final Plat. The planning commission shall, without delay, submit the final plat to the city council for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 60 days after the date the last required approving signatures has been obtained.

Section VI. APPROVAL OF STREETS AND WAYS.

A. Creation of Streets.

1. The creation of all streets shall be in conformance with requirements for subdivision, except, however, the planning commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions, provided any of the following conditions exist:

(a) The establishment of the street is initiated by the city council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street.

(b) The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

(c) The tract in which the street is to be dedicated is an isolated ownership of such size and has such special existing physical conditions as makes it impractical to develop more than three lots.

2. In those cases where approval of a street is to be without full compliance with the regulations applicable to

subdivision, a copy of the proposed deed shall be submitted to the planning commission. The deed and such information as may be submitted shall be reviewed by the planning commission and, if not in conflict with the standards of Sections VIII-A to VIII-G of these regulations, may be approved with such conditions as are necessary to preserve these standards.

B. Creation of Ways. Any easement of way providing access to property and which is created in order to allow the partitioning of land for the purpose of transfer of ownership for building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Section VI of these regulations with the following exceptions:

1. Any easement providing access to a parcel of land use for agriculture, horticulture, grazing, or timber growing and where the parcel exceeds five acres in size may be approved by the planning commission.

2. A private easement of way to be established by deed without full compliance with these regulations may be approved by the planning commission, provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with access. If the existing lot is large enough so that three or more parcels meeting the lot size minimums of these regulations may be created, and two or more of such parcels would not have frontage on an existing street, this exception will not apply. A copy of the proposed document to create the easement shall be submitted to the planning commission. The document and such information as may be submitted shall be reviewed by the planning commission and, if assurance of adequate utility access as well as vehicular access is indicated, may be approved.

Section VII. MINOR LAND PARTITIONING.

A. Planning Control Area. The entire City of Dundas is hereby declared to be a planning control area, and no parcel of land or contiguous parcels under a single ownership within such area shall be partitioned for transfer of ownership or building development so as to conflict with applicable standards for subdivisions as set forth in VIII-A to VIII-F of these regulations. Every such partitioning of land within a planning control area must be approved in accordance with Section VII-B of this ordinance and regulations of the planning commission until such time as the planning commission determines such approval is no longer necessary to the accomplishment of the over-all development plan for the city.

B. Minor Partitioning, Procedure for Approval. Land partitioning other than subdivision or the creation of a street or way shall be known as minor partitioning and, in a planning control area, shall be approved under the following procedure:

1. There shall be submitted to the planning commission four copies of a map 6½ x 11 inches, or 18 x 24 inches in size drawn to scale with the following information:

(a) The date, northpoint, scale, and sufficient description to define the location and boundaries of the parcel to be partitioned and its location in the planning control area.

(b) Name and address of all record owners and of the person who prepared the sketch map.

(c) Approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in minor partitioning.

(d) For land adjacent to and within the parcel to be partitioned, the location, width, and names of all streets; location, width, and purpose of all other existing easements; and location and size of sewers, water lines, drainage ways, and utility poles.

(e) Outline and location of existing buildings to remain in place.

(f) Lot layout showing size and relationship to existing or proposed streets and utility easements.

(g) Such additional information as required by planning commission procedures.

2. Said map shall be submitted for planning commission review and determination that the proposal will be compatible with the development plan. The planning commission may require dedication of land and easements and may specify conditions or modifications in the sketch plan necessary to carry out the intent of the development plan. In no event, however, shall the planning commission require greater dedications or conditions than could be required if the parcel were subdivided. If the partitioning provided in the map results in the accomplishment of those parts of the development plan which would be affected by partitioning of the parcel, the planning commission may designate on the map that future partitioning within the area shown on the map may occur without submission for approval of the

planning commission.

3. If the parcel of land to be partitioned in a planning control area exceeds five acres and is being partitioned into more than two parcels within a year, any one of which is less than one acre, full compliance with all requirements for subdivision may be required if the planning commission should determine that the entire parcel being partitioned is in the process of being divided into small parcels.

4. When a map has been approved, all copies shall be marked with the date and conditions, if any, of approval. Two copies shall be returned to the applicant, one copy shall be attached to the map of the planning control area in the city records, and one copy shall be retained in the planning commission files.

Section VIII. DESIGN STANDARDS.

A. Principles of Acceptability. The subdivision shall be in conformity with any development plans and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of state laws and the standards established by these regulations.

B. Streets.

1. General. The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in the development plan, the arrangement of streets in a subdivision shall either:

(a) Provide for the continuation or appropriate projection of existing streets in surrounding areas.

(b) Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

2. Minimum and preferred right-of-way and recommended widths for road surfacing. The width of streets shall not be less than the minimums shown in the following table:

Type of Street	Rights-of-way		Road Surfacing	
	Minimum	Preferred	Minimum	Preferred
Arterials	80	100	55	42
Collector Arterials	60	80	36	36
Business &	66	80	42	48
Industrial Streets				
Local Streets	50	60	32	36
Dead End Streets (Not more than 600' lg.)	50	50	32	32
Turn-Arounds for Dead End Streets	40' radius		31' radius	
Alley - Residen- tial, Business or Industrial	14	20		
	20	20		

3. Reserve strips. Reserve strips or street plugs will be approved only when necessary for the protection of public welfare or of substantial property rights. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the city under conditions approved by the planning commission.

4. Alignment. All streets shall, as far as practicable, be in alignment with existing streets by continuations of the center lines thereof. In no case shall the staggering of streets making a "T" intersection be so designed that a dangerous jog is produced. Jogs of less than 100' will not be allowed.

5. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the subdivision, and the resulting dead-end streets may be approved without a turn-around. Reserve strips including street plugs may be required to preserve the objectives of street extensions.

6. The recommended minimum distance between intersections on arterial streets is 1800 feet.

7. Intersection angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle, but in no case less than 60 degrees unless there is special intersection design. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle. Right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet. All other intersections shall have a minimum 10 foot radius.

8. Existing streets. Whenever existing streets adjacent to within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

9. Half street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted with such tract. Reserve strips and street plugs shall be required to preserve the objectives of half streets.

10. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall in no event be more than 600 feet long. All cul-de-sacs shall terminate with a circular turn-around having a minimum right-of-way radius of 40 feet. The length of the cul-de-sac shall be measured along the center line of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

11. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in the city, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area, and shall be subject to the approval of the planning commission.

12. Grades and curves. Grades shall not exceed 8 per cent on major arterials, 10 per cent on collector streets, or 12 per cent on any other street. Grades in excess of 12 per cent will be subject to the provision of Section X-B. Center line radii of curves shall not be less than 300 feet on primary arterials, 200 feet on collector arterials, or 100 feet on other streets.

13. Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

14. Alleys. Alleys, not less than 20 feet in width, shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the planning commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 15 feet.

C. Blocks.

1. General. The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of limitations and opportunities of topography.

2. Sizes. Blocks shall not exceed 1,200 feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation.

3. Easement.

(a) Easements shall be a minimum of 10 feet in width, and centered on rear or side lot lines.

(b) Water courses. Where a subdivision is traversed by a water course, drainage way, channel or stream, there will be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose.

D. Lots.

1. Size and shape. The lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and shall comply with the City of Dundee Zoning Ordinance for the type of development and use contemplated. These minimum standards shall apply with the following exceptions.

(a) In areas that will not be served by public sewer and/or public water supply, the lots shall also conform to any special requirements developed by the planning commission with respect to problems of sewage disposal and/or water supply.

(b) Where property is zoned or deeded for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the

type of use and development contemplated.

2. Access. The subdividing of the land shall be such that each lot shall abut upon a public street.

3. Through lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet in width and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of 120 feet.

4. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

E. Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the planning commission may require that the blocks shall be of such size and shape, to be so divided into lots, and contain such building site restrictions as will provide for the extension and opening of streets at such intervals as will permit a subsequent division of any parcel into lots of smaller size.

F. Building Lines. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plat or included in the deed restrictions.

Section IX. IMPROVEMENTS.

A. Improvement Requirements. The following improvements shall be installed in accordance with the provisions as established by the City Council.

1. Streets, including drainage and curbs.

2. Concrete sidewalks not less than 5 feet wide in areas where the proposed lots are eighty-five hundred (8500) square feet or less in size.

3. Concrete sidewalks not less than 5 feet wide in any special pedestrian ways, on collector streets, and on streets designated on an official plan as a major or minor arterial.

4. If any portion of any land proposed for development is subject to overflow, inundation, or flood hazard by storm waters, and adequate systems of storm drains, levees, dikes, and pumping systems shall be provided.

B. Improvement Standards. The general standards for public improvement shall be the city street specifications.

Section X. EXCEPTIONS, VARIANCES, ENFORCEMENT AND FEES.

A. Exception in Case of Large Scale Development. The standards and requirements of these regulations may be modified by the planning commission in the case of a plan and program for a complete community center, a neighborhood unit, a large-scale shopping center, or large industrial area development, providing the modifications are not detrimental to the public health, safety, and welfare, and providing the planning commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

B. Variance Applications. When necessary, the planning commission may authorize conditional variances to the requirements of these regulations. Application for a variance shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the planning commission shall find the following facts with respect thereto:

1. That there are special circumstances or conditions affecting the property.

2. That the variance is necessary for the preservation of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.

3. That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity in which the property is situated.

C. Planning Commission Action on Variances.

1. In granting necessary variances the planning commission shall adhere substantially to the objectives of the regulations to which variances are granted in order to preserve the public health, safety, convenience, and general welfare. Any conditions necessary for this purpose shall be specified in granting the variance.

2. In granting a variance, the planning commission shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. The commission shall keep such findings on file as a matter of public record.

D. Severability. If any provision of these regulations shall for any reason be held invalid or unconstitutional by a Court of competent jurisdiction, such judgment shall not affect the validity of the remaining portion.

E. Penalties for Violation. Any person offering to sell, contracting to sell or selling land contrary to the provisions of these regulations shall upon conviction be punished by imprisonment in the city jail, for not to exceed thirty (30) days or by a fine of not to exceed \$50.00, or both. A person so violating the provisions of this ordinance shall be deemed guilty of a separate offense for each day during which the violation continues.

F. Fees. For the purpose of partially defraying expenses involved in the administrative processing of subdivision applications, and application fee of two (2) dollars for each lot proposed in the preliminary subdivision plan shall be paid to the planning commission by the applicant at the time of submission of the preliminary subdivision plan. In no case however, shall such fee exceed one hundred fifty (\$150.00) dollars in amount.

Section XI. Emergency Clause. The Council desires and deems it necessary for the preservation of the health, peace and safety of the City of Dundee that this ordinance take effect at once, and therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Passed by the Council this 1st day of August, 1965,
by the following vote:

AYES: Hening, Scott, MacIntyre, Blackman

NAYS: None

Submitted to and approved by the Mayor on the 1st day of
August, 1965.

Page 19. Recorder _____

Mayor Brester Long