

### 1105.03 - PRELIMINARY PLAT APPROVAL.

- (a) When a preliminary plat complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1105.02 and is accepted by the Planning and Zoning Administrator or their designee, the application for preliminary plan approval with staff comments and administration recommendations shall be forwarded within thirty days of acceptance by the Planning and Zoning Administrator or their designee to the Planning Commission for action. Upon forwarding the application to the Planning Commission, the preliminary plat and supplemental materials pertaining thereto shall be considered a matter of public record.
- (b) An application for preliminary plat approval which would result in one or more lots, parcels or public ways being in noncompliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator or their designee for consideration by the Planning Commission until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131. Nothing in this section shall preclude a variance application from being filed and considered in conjunction with a preliminary plat.
- (c) The Planning Commission shall hold a public hearing on an application for preliminary plat approval within thirty days of the receipt of the application, staff comments, and Council informal comments relative to park land dedication and administration recommendations from the Planning and Zoning Administrator or their designee.
- (d) Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application at which time the applicant shall present and explain the design concept of the proposed development; staff comments and administrative comments shall be made public; and the Planning Commission shall receive any comments or concerns pertaining to the proposed development from the general public. Notice of such public hearing shall be published on the City website and posted at City Hall on the notice board outside of Council Chambers and will include place, time, date and nature of such applied for. ~~in a newspaper of general circulation in the City~~ Notice shall be published and posted at least fourteen days ~~twice during the two weeks~~ prior to the public hearing.

Written notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous property owners of the property for which said hearing is being held. The failure of delivery of such notice shall not invalidate any such application. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

Where the subject of such public hearing involves 50 or more of the property owners of the City, then written notice to owners of the hearing, as provided in the preceding paragraph, shall not be required.

- (e) Drawings and related written material which fully describe the design concept and platting of the proposed development shall be filed by the applicant with the Planning and Zoning Administrator or their designee and the Clerk of Council prior to publication of the first notice of public hearing and shall be available for review and study by the general public until the time of such public hearing.
- (f) After action by the Planning Commission on the application, the Clerk of Council shall mail to the applicant a Record of Action taken which shall contain the motion as carried by the Planning Commission to include any conditions. A copy of the Record of Action shall be forwarded to the Planning and Zoning Administrator or their designee, the City Engineer, and the Director of Development.
- (g) Any approval of a preliminary plat shall be valid for a period of twelve months. An extension of time may be permitted by vote of Planning Commission for good cause shown.

(Ord. 0147-2011. Passed 8-1-11; Ord. No. [0017-2017](#), Exh. A, 4-3-17)