

**City of Ithaca Municipal Code**  
**CHAPTER 290: SUBDIVISION OF LAND**  
**Article III. Plat Approval Procedure**

**§290-7. General procedure.**

Subdividers shall comply with the procedure set out herein:

A. Subdivision plat. The subdivider shall file a subdivision plat with the Planning and Development Board. If the Planning and Development Board determines that the application is for a lot line adjustment, the Board shall refer the application to the Department of Planning, Building and Development to be dealt with in accordance with Article II, and shall inform the owner or the owner's agent of the Board's action.

[Amended 6-5-2013 by Ord. No. 2013-15[1]]

[1] Editor's Note: This ordinance provided for an effective date of 1/1/14.

B. The subdivision plat shall include a certificate from a licensed engineer or licensed surveyor. This shall be accompanied by an affidavit outlining the extent of the development work which the subdivider is prepared to undertake or for which he/she is to be financially responsible and outlining the extent of City participation which he/she is requesting. This affidavit shall also indicate the subdivider's willingness and ability to deed the street rights-of-way to the City when required.

C. Proposed grades and locations. Prior to preparation of the subdivision plat, the owner or the owner's agent shall submit the proposed street grades, locations and grades for sanitary sewers, storm sewers, and monuments to the City Engineer for a determination of compliance with City requirements for these matters.

D. Initial submission of plats.

(1) If the subdivision is a minor subdivision, the owner shall submit the information required in §§ 290-11 and 290-12 for final plats.

(2) If the subdivision is a major subdivision, the owner shall submit the information required in §§ 290-9 and 290-10 for preliminary plats.

(3) If the owner submits a subdivision plat for approval and the Board renders a preliminary approval, then the subdivision plat is deemed to be a preliminary plat and the owner must submit a final plat satisfying the Board's conditions.

E. Board of Public Works. The Board shall submit those matters within the Board of Public Works' jurisdiction to the Board of Public Works for approval.

F. Approval. The owner shall obtain approval of both the Planning and Development Board and the Board of Public Works, as required in Subsection E, of both the plan and the extent of City participation in the development.

G. Rights-of-way. The subdivider shall have all street right-of-way lines or property corners either temporarily or permanently marked, as specified by the Planning or Development Board.

H. Deed and map. The subdivider shall present a deed and a map for the streets to the Common Council for acceptance by the city.

**§290-8. Conformance required.**

The layouts, topographic map, details and required data and all procedure relating thereto shall comply with the provisions of §§ 32 and 33 of the General City Law and with this chapter.

## **§290-9. Preliminary approval.**

A. If the subdivision plat is for a major subdivision, then the subdivider shall apply for preliminary approval. If the subdivision plat is for a minor subdivision, then the subdivider shall comply with § 290-11A(1).

B. Required documents and information. For preliminary approval, the subdivider shall submit to the Planning and Development Board, in triplicate, all the documents and information called for in § 290-10. All the information presented shall be as accurate and up-to-date as possible, and all drawings or other graphic material shall be of a kind and quality approved by the Planning and Development Board. The Planning and Development Board shall then study the preliminary plat and proposed street design in connection with the topography of the land and the requirements of Chapter 325, Zoning, and of the Master Plan and the Official Map, insofar as they exist and apply, and shall take into consideration the general needs of the community and the best uses of the land to be subdivided. Particular attention shall be given to the matters enumerated in § 33 of the General City Law and to specific requirements for parks, playgrounds, school and other building sites, adequacy of the street layout and general suitability of the development.

C. Public notice.

(1) By mail. At least 10 days before the first meeting of the Planning and Development Board at which either a determination of significance of environmental effect of a proposed subdivision or preliminary approval of a proposed subdivision, whichever occurs first, is to be considered, the subdivider shall provide the Board with certification that notice of the proposed action has been mailed to the record owners of all properties within 200 feet of the parcel(s) to be subdivided. Such notice shall be in a form approved by the Board, briefly stating essential facts about the proposal and informing recipients of the date, time and place of the meeting and the place where further information about the proposal and the review process may be obtained.

(2) By posting. At least 10 and not more than 20 days before the first meeting of the Planning and Development Board at which either a determination of significance of environmental effect of a proposed subdivision or conditional approval of a proposed subdivision, whichever is applicable, is to be considered, the subdivider shall post a sign at the center of each of the property lines of the property to be subdivided which fronts on a public or private roadway to inform the public of the proposed subdivision. Such signs shall be continuously maintained and displayed facing the roadway until final action has been taken by the Board to approve or deny the subdivision. The required signs shall be obtained from the Department of Planning and Development, and a nonrefundable fee shall be paid for each sign or replacement obtained. At the time such signs are obtained, the subdivider or subdivider's representative shall indicate, in writing, the date on which the signs are to be erected.

(3) By newspaper. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the City at least five days before the hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of the preliminary plat. The hearing on the plat shall be closed upon motion of the Board within 120 days after it has been opened. [General City Law § 32, Subdivision (5)(d)(ii).]

D. Public hearings. The time within which the Board shall hold a public hearing on the plat shall be coordinated with any hearings the Board may schedule pursuant to the SEQR or CEQR as follows:

(1) If the Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing shall be held within 62 days after the receipt of a complete preliminary plat by the Clerk of the Board; or

(2) If the Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the DEIS shall be held jointly within 62 days after the filing of the notice of completion of the DEIS in accordance with the provisions of the SEQR. If no public hearing is held on the DEIS, the public hearing on the preliminary draft shall be held within 62 days of filing the notice of completion. [General City Law § 32, Subdivision (5)(d)(i).]

E. Conference with subdivider. The preliminary conclusions reached by the Planning and Development Board, together with any recommended revisions, shall be discussed with the subdivider or authorized representative at a regular meeting of the Board not less than 10 days nor more than six weeks after receipt by the Board of a complete application for subdivision approval, including a preliminary plat with required accompanying data and a final lead agency determination as to the significance of any effect which the proposed subdivision will or may have on the environment. No approval action will be taken in the absence of such discussion.

F. Findings of Planning and Development Board; effect of approval. Within 30 days after this discussion, the Planning and Development Board shall submit its findings, in writing, to the subdivider, citing the specific changes it will require in the preliminary plat, or, if approved, shall endorse such approval thereon as conditional approval. The action of the Planning and Development Board shall be noted on two copies of the plat and supporting documents, one copy being returned to the subdivider and one retained by the Planning and Development Board. Conditional approval of a preliminary plat shall not constitute final approval of the final plat, but merely tentative approval of the general layout submitted on the preliminary plat as a guide to the preparation of the final plat, which shall be submitted later to the Planning and Development Board for approval and for recording upon fulfillment of the requirements of these regulations and the conditions, if any, of the preliminary approval.

#### **§290-10. Minimum preliminary information.**

The preliminary information referred to in § 290-9 shall consist of the following as a minimum requirement:

A. Generally: basic information describing the property to be subdivided, the nature and purpose of the subdivision, its relationship to and potential effects on the neighborhood in which it is located and other data serving to explain the extent, character and intent of the proposal. Such information shall be supplied in a form approved by the Planning and Development Board and shall be submitted, together with the required application fee, at least 10 days before the date of any regular meeting of the Board at which the application is to be considered for conditional approval.

B. Plat. The plat shall be an original drawing or a good print of the same, with a scale not smaller than one inch equals 100 feet, showing or accompanied by the following information:

(1) Topography. The topography of any but substantially level areas, using contour intervals not greater than five feet, shall be included, at the same scale as the plat if on a separate drawing.

(2) Identification. The proposed name or identifying title of the subdivision, a key map or diagram identifying the location, title data giving all essential information, the name and address of the record owner, the subdivider and the designer of preliminary studies and the identification of adjacent subdivisions, with appropriate data on the same, shall be set out.

(3) Property lines and markers. The location of property lines and markers, existing easements, watercourses and other natural features and buildings and the location and sizes of any existing sewers, waterlines, drains and culverts on the land to be subdivided shall be set out.

(4) Existing streets and similar data. The location, names and widths of existing and proposed streets, easements, alleys, building setback lines, parks or other reservations and similar data on adjacent property which might conceivably affect the design of subject property shall be included.

(5) Land to be dedicated. All land proposed to be dedicated to public use, with conditions stated, shall be set out.

(6) Trafficways and cross sections. The width, location, approximate grades and profiles of all proposed trafficways and, where appropriate, typical cross sections of the entire subdivision shall be included.

(7) Water and sewers. The connections and general arrangement of proposed water and sewer lines, subject to the advice of the City Engineer, and the general arrangement of proposed storm sewer lines shall be set forth.

(8) Bridges and culverts. The location and a general description of proposed bridges and culverts shall be indicated.

(9) Lot lines. Proposed lot lines with approximate dimensions shall be set out.

C. Description and survey. A deed description of the subject property, with a certified survey, shall be included.

D. Contiguous land. Where the owner of a proposed subdivision also owns contiguous land subject to later subdivision, a sketch of the same shall be included for consideration with studies of the subject property.

E. Environmental data. The applicant shall submit all documents and information necessary for a full environmental review of the proposed subdivision by the lead agency.

#### **§290-11. Final approval.**

A. Documents to be submitted.

(1) If the plat is for a minor subdivision, the subdivision plat carries a presumption that it is final and not preliminary. The subdivider shall submit to the Planning and Development Board, in triplicate, all documents and information required in § 290-12. All the information presented shall be as accurate and up-to-date as possible, and all drawings or other presentation material shall be of a kind and quality approved by the Planning and Development Board; or

(2) If the plat is for a major subdivision, the final plat shall conform substantially to the preliminary plat, as approved, and, if desired by the subdivider, it may constitute only that portion of the preliminary plat approved by the Planning and Development Board which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all the requirements of these regulations. For final approval, the subdivider shall submit to the Planning and Development Board, in triplicate, all the documents and information called for in § 290-12. All the information presented shall be as accurate and up-to-date as possible, and all drawings or other presentation material shall be of a kind and quality approved by the Planning and Development Board.

B. Public notice. Subdividers seeking approval of minor subdivisions shall comply with the public notice requirements of § 290-9C.

C. Time for submission. Application for approval of the final plat shall be submitted to the Planning and Development Board, in writing, at least 10 days prior to the meeting at which it is to be considered; and this application and the required plat and documents shall be submitted to the Planning and Development Board within six months after approval of the preliminary plat; otherwise such approval shall become null and void, unless an extension of time shall have been applied for and granted by the Planning and Development Board.

D. Formal hearings; findings. Before the Planning and Development Board acts on the final plat and related matters, it shall hold a formal hearing thereon, in accordance with § 32 of the General City Law. The presence of the subdivider or authorized representative at such hearing is recommended to facilitate resolution of any issues raised that may affect the Board's decision.

(1) If the Board determines that the preparation of an environmental impact statement on the plat is not required, the Planning and Development Board shall by resolution, within 62 days of the date of public hearing, approve, modify and approve, or disapprove such plat. [General Law § 32, Subdivision 6(d)(i)(3).] Such approval shall, however, not be deemed final until the subdivider has complied with the provisions of § 290-13 and such requirements as are prescribed by the Board of Public Works relative to the improvement of new streets and has offered the streets to the Common Council for dedication.

(2) If the Board determines that an environmental impact statement is required, and a public hearing is held on the DEIS, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the SEQR and CEQR. If no public hearing is held on the DEIS, the FEIS shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the FEIS, the Planning Board shall issue findings on such FEIS and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the plat. [General City Law § 32, Subdivision (6)(d)(i)(3).] Such approval shall, however, not be deemed final until the subdivider has complied with the provisions of § 290-13 and such requirements as are prescribed by the Board of Public works relative to the improvement of new streets and has offered the streets to the Common Council for dedication.

#### **§290-12. Final subdivision plat.**

A. Generally. The final set of documents and related information on a subdivision shall embrace all the information required for the preliminary set, with additions as noted below, and all in a more permanent form and shall include working drawings and specifications, as compared with material in sketch form earlier submitted.

B. Drawings. Drawings of plat, topography, if on separate sheets, profiles and other essential details shall be drawn, according to generally accepted standards of good draftsmanship, in ink on tracing cloth to be filed with the Planning and Development Board.

C. Contents of drawings. The final drawings shall show the exact boundaries of the property, a graphic scale and a true North point. The tops of all drawings shall be north or approximate north. The plat shall show all street lines, easements, reservations, pedestrian ways and areas to be dedicated to public use. Sufficient data shall be given, acceptable to the City Engineer, to clearly establish the location, bearing and length of every street line, lot line and other line pertinent to the subdivision. Radii, arcs and central angles of all curves shall be given. Dimensions relating to streets or other public places shall be given in feet and decimals; other dimensions may be in either feet and decimals or feet and inches.

D. Location references; numbering of lots. All location references shall be tied to reference points established by the City Engineer or other public authority. Permanent reference monuments shall be clearly noted on the plat and properly set on the land, as directed by the City Engineer. When reference is made to the state system of plane coordinates, it shall also conform to the requirements of the State Department of Transportation. All lots shall be numbered and their corners and angle points permanently marked in a manner satisfactory to the Planning and Development Board.

E. Deeds of conveyance; reservation agreements. For all spaces dedicated to public use, deeds of conveyance shall be included; for spaces reserved, copies of proposed agreements shall be submitted showing the manner in which such areas are intended to be owned and maintained and provision made therefor. These documents shall have the certified approval of the City Attorney for the Planning and Development Board's records.

F. Numbering blocks, lots and streets; street names. Block, lot and street numbering shall follow the prevailing City practice. No street names shall be proposed which may duplicate or be confused with the names of existing streets, and all shall be subject to approval by the Planning and Development Board.

**§290-13. Conditions prerequisite to approval.**

A. Completion of improvements; bond. The subdivider shall complete, in accordance with the Planning and Development Board's requirements and to the satisfaction of the City Engineer and of any other official or body authorized by law to act, all the street and sanitary improvements specified in § 33 of the General City Law and not specifically waived by the Planning and Development Board or by the Board of Public Works or, alternatively, shall file with the proper official or body a performance bond, complying with the requirements of § 33 of the General City Law and satisfactory to the City Attorney, for the completion of such improvements as are not constructed and approved by the City Engineer, or other official or body authorized by law to act, prior to the approval of the plat.

B. Approval of sanitary provisions. A prerequisite of final approval shall be the approval of all sanitary provisions by the state and/or county department having jurisdiction over the same.

C. Certificates. The Planning and Development Board shall require a certificate from the City Engineer or other duly designated official as to the satisfactory completion of improvements ordered and from the City Attorney as to the adequacy of any proffered bond and offers of conveyance.

D. Offers of conveyance. The subdivider shall tender offers of conveyance, in a form approved as above, of all land included in trafficways or public spaces not specifically reserved by him/her; but approval of the plat by the Planning and Development Board shall not constitute acceptance by the City of the dedication of any street or other trafficway or of any public open space.

**§290-14. Certification and filing.**

After the completion of the details prescribed herein to the satisfaction and approval of the Planning and Development Board, the Chairperson and Secretary of the Planning and Development Board shall certify such approval, together with the date of the same, upon the final plat; and within 90 days thereafter, the subdivider shall file the plat with the County Clerk; otherwise such approval shall expire, as provided in § 32 of the General City Law.

**§290-15. Fees.**

A. Application fee. In order to defray the costs of subdivision application processing and review by city staff and agencies, an initial application fee will be charged according to the following schedule:  
[Amended 1-29-2003 by Ord. No. 2003-2]

(1) For one- and two-family lots: \$100; \$150 for all others.

(2) Subdivision size:

<u>Subdivision Size</u> (No. of lots)	<u>Fee</u>
Fewer than 3	\$100.00
3 to 10	\$500.00
More than 10	\$500.00, plus \$50.00 for each additional lot over 10

B. Sign fee. A fee shall be charged for each sign obtained from the Department of Planning and Development for public notice of the proposed subdivision required in accordance with § 290-9C above, which fee shall reflect the city's cost for the sign.

C. Payment of fees. Payment for application and sign fees shall be by check, payable to the City of Ithaca.