# CHAPTER 10

# SUBDIVISION REGULATIONS (PLATTING)

## SECTION 10.01. GENERAL PROVISIONS.

**Subd. 1. Purposes and Intent.** This Chapter is enacted for the following purposes: to safeguard the best interest of the City; to assist the Subdivider in harmonizing his interest with those of the City at large; to prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork of pattern and poor circulation of traffic. It is the purpose and intent of this Chapter to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes, Chapters 429, 462, and 505, which regulations the Council deems necessary for the health, safety and general welfare of the community.

**Subd. 2. Approvals Necessary for Acceptance of Subdivision Plats.** Before any plat shall be recorded or be of any validity, it shall be approved by the Council as having fulfilled the requirements of this Chapter.

**Subd. 3. Compliance.** No plat of any subdivision shall be entitled to record nor to be filed with the City unless it complies with all the provisions of Minnesota State Law, Chapter 505 M.S.A. (Sections 505.01 to 505.04) or any later amendment thereof or additions thereto.

**Subd. 4. Building Permits.** No building permits shall be issued by the City for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Chapter have been fully complied with.

**Subd. 5. Definition.** For the purpose of this Chapter, the word "subdivision" as applied to land shall be as follows: Subdivision is described tract of land which is to be or has been divided into five or more lots or parcels each of which parcel is less than one acre in area, for the purpose of transfer of ownership and building development. It includes resubdivision.

## SECTION 10.02. SUBMISSION PROCEDURE AND DATA.

**Subd. 1. Preliminary Plat.**

A. The subdivider shall prepare and submit three copies of a preliminary plat which plat shall comply with all the provisions of the Minnesota State Law, Chapter 505 M.S.A. (Sections 505.01 to 505.04) or any later amendment thereof or additions thereto.

B. Supplementary Requirements. Upon request of the Council, supplementary information shall be submitted; such supplemental information may include the following:

1. Two (2) copies of profiles for each proposed street and road, showing existing grades and proposed approximate grades and gradients on the center line. The location of proposed culverts and bridges shall also be known.

2. Proposed surface drainage diagrams for lots in the form of arrows, proposed contours and other appropriate method.

3. Soil tests and reports, as specified by the City Engineer or other person designated by the Council to act in such capacity, by an approved soils laboratory.

**Subd. 2. Final Plat.** After the preliminary plat has been approved, subdivider shall submit three (3) copies of the final plat as so approved.

**Subd. 3. Submission of Plat.** All plat submissions shall be to the office of the City Clerk or Treasurer and approval shall be by the Council unless some other group or individual is authorized by the Council to so approve.

**Subd. 4. Filing Fee.** The financial plat shall be accompanied by a fee as established by the Council which fees shall be used for expenses of the City in connection with the review, inspection, approval or disapproval of said plat.

**SECTION 10.03. VARIANCES.** The Council may grant a variance from the provision of this Chapter when, in its opinion, undue hardship may result from strict compliance. In determining whether to grant such variance, the Council shall take into account the nature of the proposed land use, the existing use of land in the vicinity, the probable effect of the proposed subdivision upon traffic conditions and whether or not such variance will be detrimental to public welfare or injurious to other property in the immediate vicinity.

**SECTION 10.04. BASIC IMPROVEMENTS.**

**Subd. 1. General.**

A. Before a final plat is approved by the Council, the developer of the land covered by the said plat shall execute and submit to the Council 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 Chapter have been made or arranged for in the manner following as respects the highways, roads or streets to which the lots sought to be constructed have access.

B. No final plat shall be approved by the Council without first receiving a report from the City Engineer or other engineer or person retained by the Council certifying that the improvements described herein, together with all agreements and documents required herein, meet

the minimum requirements of all applicable City Code provisions.

C. No final plat shall be approved by the 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 developer agrees to make improvements which will, in the opinion of the City Engineer or other engineer or person retained by the Council, make the area completely safe for residential occupancy and provide adequate street and lot drainage, the final plat of the subdivision may be approved.

D. All the required improvements to be installed under the provisions of this Chapter shall be inspected during the course of their construction by the City Engineer or other engineer or person retained by the Council. All the inspection costs pursuant thereto shall be paid by the developer or individual or tract owners.

**Subd. 2. Street Improvements.**

A. The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the Council.

B. All streets are to be improved with pavement, gravel or other surfacing in accordance with standards and specifications for street construction approved by the Council.

C. All streets to be paved shall be of an overall width in accordance with the standards and specifications for street construction as approved by the Council.

D. Curb and gutter shall be constructed in accordance with standards and specifications for street construction as approved by the Council.

E. 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. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for street construction as approved by the Council.

F. Trees shall be planted in conformance with the standards and specifications as approved by the Council.

G. Street signs of the standard design approved by the Council shall be installed at each street intersection.

**Subd. 3. Sanitary Sewer and Water Distribution Improvements.**

A. Sanitary Sewers shall be installed as required by standards and

specifications as approved by the Council.

B. Public water facilities, including pipe fittings, hydrants, etc., shall be installed as required by standards and specifications as approved by the Council.

**Subd. 4. Financing Improvements.**

A. Improvements listed in Subdivisions 2 and 3 shall be paid for by the developer.

B. Before any lots are sold in the platted area the improvement specified in Subdivisions 2 and 3 shall be completed.

**Subd. 5. Public Utilities.**

A. All utility lines for telephone and electric service shall be placed in the rear line easements when carried on overhead poles. To serve these lines connections may be made on lot lines, providing an easement covering the same is filed.

B. Where telephone, electric and/or gas service lines are able to be placed underground entirely, conduits and cables shall be placed within easements or dedicated public ways in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.

## SECTION 10.05. VIOLATIONS.

**Subd. 1. Sale of Lots From Unrecorded Plats.** It is unlawful to sell, trade or offer to sell or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the office of the County Recorder of Rock County.

**Subd. 2. Receiving and Recording Unapproved Plats.** Is unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and highways, streets, roads, alleys or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto and located within the jurisdiction of this Chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Council.

**Subd. 3. Misrepresentations as to Construction, Supervision or Inspection of Improvements.** It is unlawful for any developer or other person owning an addition or subdivision of land within the City to represent that any improvement upon any of the highways, streets or alleys of said addition or subdivision or any sewer in said addition or subdivision has been constructed

## LAND USE REGULATION

**SECTION 1. PERMITS.** No person may erect any structure of any kind, (or add to the outside dimensions of any structure already erected), or relocate any structure or building by moving it from any point outside the City into the City, moving it from within the City to any point outside the City or moving it from one location to within the City to another location within the City, without first procuring from the City Clerk or Treasurer a permit to do so, approved by the Council, before such work or relocation is commenced. Prior to the issuance of a permit, the applicant, if so required by the Council, shall provide the City with a certification from a structural pest control applicator licensed by the State of Minnesota certifying that the building or structure is free from termites.

**SECTION 2. APPLICATION FOR PERMIT.** Any person desiring to erect, alter, or relocate any structure within the City, shall make application therefor on a form to be provided by the City and file the same in the office of the City Clerk or Treasurer. Said application shall state the nature of such structure or building (and if already constructed, the nature and extent of the contemplated outside dimension changes), the purpose or purposes for which the same is to be used or occupied, and shall be accompanied by a sketch showing the number of the lot and block on which said structure is, or is to be located, the correct dimensions of said lot and the name or names of the owners thereof, the correct dimensions of said structure to be erected or relocated, (and if already erected and located the correct dimensions thereof with the proposed outside changes added), and the correct position on said lot with respect to the front, sides and rear lot lines where said structure is, or is to be located.

**SECTION 3. FEE FOR PERMIT.** Fees for such permits shall be determined by the Council and fixed by its resolution, a copy of which shall be in the office of the City Clerk or Treasurer and uniformly enforced. The fee shall accompany said application and in the event the said permit is not granted, such fee shall be refunded.

**SECTION 4. YARD AND SETBACK REQUIREMENTS.** It is required that new residences be set back twenty-five (25) feet from the front line of said lot, to the structure, less overhang, and each residence shall have two side yards, each being not less than five (5) feet in width, and subject to approved drainage.

**SECTION 5. VARIANCES.**

**Subd. 1. Authorization.** The Council may authorize a variance where the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Section, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece in question, the literal enforcement of the requirements of this Section would involve unnecessary hardship and not mere inconvenience.

**Subd. 2. Procedure.**

A. Application for any variance permissible under this Section shall be made to the Council in the form of a written application. All applications shall be accompanied by a list of the names and addresses of the owners of the lands abutting directly on the property described in the application.

B. Upon receipt of such application and list, and at least ten days prior to the regular meeting of the Council, a notice of planned hearing shall be published once in the official newspaper and copy of said notice shall be mailed to each of the owners referred to in said list. The City Clerk or Treasurer shall cause such notices to be published and mailed.

C. An open hearing on said variance requests shall be part of the next scheduled meeting of the Council. The Council shall, in a timely manner, issue its decision following the hearing.

D. In deciding on any adjustment or variance under the provisions of this Section, the Council shall designate such conditions in connection therewith as will, in its opinion, secure the requirements of Subdivision 3 of this Section. The Council shall put its decision in writing stating pertinent facts and findings, and shall specifically and fully set forth any adjustment or variance granted, and conditions designated.

**Subd. 3. Conditions.** No variance from the terms of this Section shall be authorized unless all of the following facts and conditions exist:

A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties of classes of uses in the same zoning district.

B. That the alleged difficulty or hardship has not resulted from the actions of the applicant.

C. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

D. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Section or the public interest.

**SECTION 6. VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

according to the plans and specifications approved by the Council or has been supervised or inspected by the City when such improvements have not been so constructed, supervised or inspected.

(Sections 10.06 through 10.98, inclusive, reserved for future expansion.)

**SECTION 10.99. VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.