

CHAPTER 12 SUBDIVISION REGULATIONS

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ORDINANCE 1210 GENERAL PROVISIONS / ADMINISTRATION

Section 1210.01: COMPLIANCE WITH COMPREHENSIVE PLAN, ZONING ORDINANCE, AND OFFICIAL MAP. No subdivision of land shall conflict with the provisions of the Comprehensive Plan, Zoning Ordinance, Official Map, or policies adopted by the City Council, as may be amended.

Section 1210.02: FEES. The fees for all applications and for all permits shall be established by the City Council by resolution. No application shall be considered complete without payment of established fees. The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until the appropriate fees have been paid.

Section 1210.03: ACCEPTANCE AND RECORDATION CONDITIONS.

Subd. 1. Approvals Necessary for Acceptance of Subdivision Plats. Before any plat or subdivision shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the City Council as having fulfilled the requirements of this section.

Subd. 2. Conditions for Recording. No plat or subdivision shall be entitled to be recorded in the Office of the Stearns County Recorder or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this-section.

Section 1210.04: CONVEYANCE BY METES AND BOUNDS. Except in unique situations as may be allowed by the City Council, no division of one or more parcels of conveyed land which is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are 5 acres or less in area and 300 feet or less in width, unless the parcel was a separate parcel of record at the effective date hereof. Building permits will be withheld for buildings or tracts which have been subdivided and conveyed by this method. The City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts. A Certificate of Survey shall be required for conveyances which do not require platting.

Section 1210.05: BUILDING PERMITS. No building permit shall be issued by the City for any construction, enlargement, alteration, repair, demolition, or moving of any building or structure on any lot or parcel until all the requirements of this Ordinance and/or the Zoning Ordinance have been fully met or exceptions from this requirement have been formally established by a Development Agreement.

Subd. 1. Survey Required. Prior to issuance of any building permit on any lot within a subdivision, the City shall have received a site survey showing proposed grading, drainage, and building pad elevations. The survey must be accompanied by a certification by a registered land surveyor or engineer that the survey is in compliance with the approved subdivision record plans for grading, drainage, storm water, and erosion control.

Subd. 2. Final Plat Punch List Items. Unless otherwise stipulated by the City Council in the Development Agreement, building permits shall not be issued for new subdivisions until

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such time as all of the final plat punch list items have been completed by the developer and accepted by the City.

Subd. 3. Model Homes. Building permits for model homes may be granted as provided in the Development Agreement.

Section 1210.06: VARIANCES. The Board of Adjustments may approve variances from the minimum standards of this Ordinance (not procedural provisions) to provide relief to the landowner in those cases where strict application of the regulations of the Ordinance would impose practical difficulties to the property owner in the use of his land.

Subd. 1. Variance Criteria. In approving any variance, the Board of Adjustments shall prescribe any conditions that it deems necessary to or desirable to the public interest. In granting its approval, the Board of Adjustments shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. Practical difficulties relating to economic difficulties shall not be considered for the purpose of granting a variance.

A variance shall only be approved when the City Council finds that each and every one of the following apply:

- (i) That there are practical difficulties in complying with the Ordinance requirements. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
- (ii) That such variance is necessary to put the property to a reasonable use. Economic circumstances or the possibility of increased financial gain shall not in itself be deemed sufficient to warrant a variance;
- (iii) That the granting of such variance is consistent with the intent and purpose of this Ordinance and the comprehensive plan;
- (iv) That the condition or situation of the specific piece of property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such a condition or situation.
- (v) That the granting of the variance will not allow a use not otherwise permitted in the Zoning Ordinance.

Subd. 2. Procedure. The procedures for processing variance applications and appeals shall comply with Section 1020, as may be amended.

Subd. 3. Board of Adjustments.

- (i) Membership and Duties.

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The Board of Adjustments shall be the City Council;

The Board of Adjustments shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement decision, or determination made by an administrative official charged with enforcing this Ordinance. Such appeal may be made by any person owning the property under appeal or by any officer, board, or commission of the City. The Board of Adjustments shall have the power to vary or adapt the strict application of any of the requirements of this Ordinance.

Section 12010.07: UTILITY SERVICE AREA ALLOCATION. The City shall determine utility service area availability as part of the review of a submitted preliminary plat/phasing plan. City approval of the plan shall constitute a commitment by the City to allocate utility service area at the time of final plat approval according to the phasing plan and Development Agreement. The criteria in Subd. 1. below shall be considered in the review of the preliminary plat/phasing plan.

Subd. 1. Utility Service Area Allocation Criteria. The following criteria shall be considered to determine if utility service area will be allocated to a preliminary plat/phasing plan:

- (i) A finding is made that the development of the property is not premature;
- (ii) The existing or proposed zoning of the property is consistent with the Comprehensive Plan;
- (iii) Development of the subdivision will meet State environmental standards, design standards of this Subdivision Ordinance, and performance standards of the Zoning Ordinance;
- (iv) The allocation is applied only to net buildable acreage;
- (v) A utility extension can be made to the subject property;
- (vi) A roadway extension can be made to the subject property;
- (vii) Development of the property shall not adversely affect the public health, safety, and general welfare; and
- (viii) The area of the utility service allocation is consistent with the growth management policy established by the City.

Section 1210.08: PLANNED UNIT DEVELOPMENT (PUD). In recognition of changing trends, techniques, and materials in the process of urban development, the Planning Commission and City Council shall provide flexible means to permit development in terms of a PUD. A PUD shall be considered as a conditional use and may involve mixed development of a single parcel based upon the land uses allowed in the Comprehensive Plan. The PUD shall be reviewed and adjudged in accordance with an integrated design and coordinated physical development which shall provide for and ensure higher standards of development than a conventional subdivision. Each application for a PUD shall be considered as an individual case and shall be reviewed in terms of its land use, circulation and traffic patterns, population and marketability, construction design; and timing. Of greatest concern shall be the

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qualification or eligibility of the PUD and the PUD's relationship to the public health, safety, and general welfare. A conditional use to allow PUD construction shall be granted only if:

- (i) The PUD is designed to be in harmony with the natural features of the landscape. Steep slopes, wetlands, and natural features are to be preserved to the maximum extent possible. No disruption of the natural drainage system shall occur;
- (ii) Any PUD flexibility granted shall not violate the intent of the subdivision design standards;
- (iii) Utility lines such as power transmission and telephone lines shall be placed underground;
- (iv) The PUD meets the standards of Zoning Ordinance Section 404 (Planned Unit Development);
- (v) The tract under consideration is under single ownership or control.
- (vi) The PUD is consistent with the intent and purpose of this Ordinance and shall not adversely affect the property adjacent to the land included in the project;
- (vii) The PUD will not create an excessive burden on parks, schools, streets, or other facilities and utilities that serve or are proposed to serve the PUD; and

The request for flexibility under this provision shall be commensurate with evidence of higher standards of site design, site preservation, and overall benefit to the community. Such finding of qualification eligibility as a PUD shall be at the sole discretion of the City Council.

Section 1210.09: COMMON INTEREST COMMUNITY (CIC) PLATS. All common interest community plats shall provide a master plan for the project to include building/unit placement for all units within the project, including future phases. All units shall be required to be numbered consecutively throughout the development starting with "Unit 1." Said numbering system shall then continue throughout the development, utilizing the numbering system identified by the master plan, even if certain buildings are constructed out of order.