

CHAPTER 12 SUBDIVISION REGULATIONS

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Section 1215.01: PURPOSE. The Minor Subdivision process allows for the division of certain property described by metes and bounds and is an abbreviated review process in which there are fewer requirements than a normal subdivision. This process is limited to specific situations as set forth in this section.

Section 1215.02: QUALIFICATION.

Subd. 1. The following may be considered a Minor Subdivision provided that the parcel of land has not been part of a Minor Subdivision within the last 5 years. In the event circumstances warrant platting of the following Minor Subdivision, the City may require the subdivision to be processed as a plat in accordance with Section 6 (Concept Plan), Section 7 (Preliminary Plat), and Section 8 (Final Plat) of this Ordinance.

- A. Division of land into not more than 2 lots fronting on an existing street which does not:
 - (i) Require any new street;
 - (ii) Require the creation of any public improvements;
 - (iii) Adversely affect the remainder of the parcel or adjoining property; and
 - (iv) Conflict with any provisions of the Comprehensive Plan, Zoning Ordinance, Official Map, or any other City regulations, including this Ordinance.
- B. A one-in-forty lot split which does not meet the criteria in Minnesota Statutes §462.358, Subd. 4b: Newly created lots shall conform to the design and performance standards of the Subdivision and Zoning Ordinances and shall be recorded in the Office of the County Recorder. A deed restriction clarifying future development rights is required on the newly created parcels. Stipulations regarding municipal services may also be imposed.

Section 1215.03: FILING AND REVIEW OF APPLICATION.

Subd.1. Procedure.

- A. Application. Before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or authorized agent, shall file an application and secure approval of a Minor Subdivision.
- B. Placement on the Planning Commission Agenda. The City must receive an

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application form and 15 copies of the required information. Upon receipt, the matter will be placed on the next Planning Commission Meeting agenda which is at least 21 days after the date the application was received. The Zoning Administrator shall submit copies of the application and required information to other staff, committees, consultants, or agencies as appropriate who may make written comments to the Planning Commission.

- C. Incomplete Application. The City shall have the authority to request additional information. An application may not be heard by the Planning Commission if incomplete. The Zoning Administrator will notify applicant of missing information. Failure to provide the necessary supportive information may be grounds for denial of the request.
- D. Transportation and Highway Department Review. A Minor Subdivision abutting any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review by the Minnesota Department of Transportation and/or Stearns County Highway Department. Written notice and a copy of the proposed Minor Subdivision shall be filed with the Minnesota Department of Transportation and/or Stearns County Highway Department for review and comment. Final action on a Minor Subdivision shall not be taken until the required comments and recommendations have been received or until the minimum 30-day review period has elapsed.
- E. Planning Commission Meeting. The Minor Subdivision application shall be submitted to the Planning Commission for their review and recommendation. The Planning Commission shall review and comment on the subdivision's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Official Map, and this Ordinance. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.
- F. City Council Meeting. The Planning Commission's recommendation will be conveyed to the City Council. The City Council shall review and comment on the subdivision's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Official Map, and this Ordinance. Action may be taken at that time or the matter may be tabled to allow further time for review and consideration. Comments on the Minor Subdivision shall not be considered binding in regard to subsequent plat review.

Subd. 2. Attendance at Meetings Mandatory. The applicant, or a representative, is required to attend all meetings with advisory boards and the City Council. Failure of the applicant, or a representative, to attend a meeting may result in the denial of the application.

Section 1215.04: INFORMATION REQUIRED FOR MINOR SUBDIVISION.

Subd. 1. Number of Copies Required at the Time of Application. The developer shall submit 1 large scale copy and 15 reduced scale (11" x 17") copies of the required information to City Hall.

Subd. 2. Required Information.

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- A. The following information shall be submitted along with the application for Minor Subdivision:
1. A Certificate of Survey prepared by a registered land surveyor which includes:
 - a. Scale not less than 1 inch equals 100 feet;
 - b. North point indication;
 - c. Original and proposed lot boundaries;
 - d. Existing and resulting parcel legal descriptions;
 - e. The location of existing structures on the site;
 - f. Proposed driveway location;
 - g. Existing easement locations; and
 - h. Environmental constraints of the site.
 2. A soil test demonstrating the suitability for an on-site septic system if public sewer is not immediately available.
 3. A title search showing any existing deed restrictions.
 4. Additional information as outlined in Section 7.03 (Preliminary Plat - Information Required for Preliminary Plat) if deemed necessary and required by the City.

Subd. 3. Staking. The existing and proposed lot corners shall be staked at the site in such a manner that they are visible from the road for review by the City.

Subd. 4. Design Standards. The Minor Subdivision shall conform to all design standards as specified in Section 10. The City may, at its sole discretion, waive some of the requirements of the design standards.

Section 1215.05: APPROVAL OR DENIAL OF MINOR SUBDIVISION.

Subd. 1. City Council Action. The City Council shall act on the Minor Subdivision by motion within 120 days from the date of application, unless the applicant agrees to an extension. The motion shall include findings of fact supporting the approval or denial, and shall be entered into the written record of the proceedings of the City Council. A motion to approve that fails for the lack of a simple majority shall be a denial of the requested application.

Subd. 2. Denial of Minor Subdivision. The City Council may deny the subdivision if it makes any of the following findings:

- (i) That the proposed subdivision is in conflict with adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Ordinance, Official Map, or this Ordinance;
- (ii) That the physical characteristics of the site, including but not limited to topography, vegetation, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use

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contemplated;

- (iii) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- (iv) That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
- (v) That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;
- (vi) That the design of the subdivision does not conform to minimum City standards; and
- (vii) That the applicant has failed to provide all documents required by the City in order to adequately evaluate the application.

Section 1215.06: DEEDS. Prior to certification by the City of the approval of the Minor Subdivision, the applicant shall supply the deed(s) granting the City any easements and/or right-of-way required by the City.

Section 1215.07: PARK DEDICATION FEE. Park Dedication fee as required in Section 9 shall be paid prior to recording the appropriate documents.

Section 1215.08: RECORDING.

Subd. 1. Procedure and Time Frame.

- A. Deadline. The applicant shall record the appropriate documents in the Office of the Stearns County Recorder within 60 days after the date of approval. If not recorded within the 60-day period, the approval shall be considered void.
- B. Copy to City. The applicant shall, immediately upon receipt of the recorded document from the County Recorder, furnish the City Clerk with a copy of the document(s) showing evidence of the recording.
- C. Building Permit. No building permits shall be issued for construction of any structure on any lot in the Minor Subdivision until the City has received evidence of the document(s) being recorded by the County Recorder.

Subd. 2. Transportation Departments. When the land for which the Minor Subdivision abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the Minor Subdivision to the Minnesota Department of Transportation and/or Stearns County Highway Department shall be filed with the Office of the Stearns County Recorder, with the Minor Subdivision.

Subd. 3. DNR. When the land for which the Minor Subdivision is located within a Shoreland District or Floodplain District, the Department of Natural Resources shall be notified of the Minor Subdivision as required by law.