

Section 1200.00. SUBDIVISION ORDINANCE.

- 1200.01 Official Subdivision Ordinance.
- 1200.02 Regulations.
- 1200.03 Short Title.

1200.01 OFFICIAL SUBDIVISION ORDINANCE. The official Subdivision Ordinance regulates and governs the sub-division or platting of land in the City of Belle Plaine, Scott County, Minnesota.

1200.02 REGULATIONS. The City of Belle Plaine has adopted a comprehensive plan for the future physical development and improvement of the City pursuant to Minnesota Statutes, MSA 362.555, and finds it necessary to regulate the division of land for future development and use. The City finds that the public health, safety and general welfare require that the division of land into two or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, fire protection, open space, schools, public uses and adequate streets and highways; and to assure uniform monumenting, legal description and conveyance of subdivided land. The Minnesota Statutes authorize municipalities to so regulate the subdivision and platting of land pursuant to MSA 412.221 Subdivision 28; and 462.358.

1200.03 SHORT TITLE. This ordinance shall be known as the “Subdivision Ordinance of the City of Belle Plaine” and is referred to herein as “subdivision ordinance.”

Section 1201.00 GENERAL SUBDIVISION PROVISIONS.

- 1201.01 Purpose.
- 1201.02 Applicability.
- 1201.03 Exceptions.

1201.01 PURPOSE. This Ordinance is adopted in order to safeguard the best interests of the City and to assist the subdivider in harmonizing the subdivider's interests with those of the City at large. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community, and to which the community will be forced to adhere, and because piecemeal planning of subdivisions will bring on an undesirable, disconnected patchwork or pattern and poor circulation of traffic unless its design and arrangement is correlated to a comprehensive plan of the City aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the City and the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this ordinance. It is the purpose of this ordinance to make certain regulations and requirements for the platting of land within the City to provide for health, safety, and the general welfare and to:

1. provide for and guide the orderly, economic and safe development of land and urban services and facilities;
2. encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction;
3. facilitate adequate provision for streets, transportation, City water, City sewer, storm drainage, schools, parks, playgrounds, and other public services and facilities;
4. assure that a reasonable portion of any proposed subdivision is dedicated to the public or preserved for public use as streets; roads; sewers; electric, gas and water facilities; storm water drainage and holding areas or ponds; and similar utilities and improvements;
5. assure that public improvements are constructed to adequate standards;
6. place the cost of improvements against those benefiting from their construction;
7. secure the rights of the public with respect to public land and waters;
8. assure that new subdivisions are consistent with the Comprehensive Plan, the Growth Development Plan, and overall development objectives of the City;
9. achieve a more secure tax base; and,
10. set the minimum requirements necessary to protect the public health, safety, and general welfare.

1201.02 APPLICABILITY. Every division of land for the purpose of lease or sale into two (2) or more lots, parcels or tracts within the incorporated area of the City of Belle Plaine or any combination of two or more lots which would result in a parcel over thirty thousand (30,000) square feet shall proceed in compliance with this Ordinance. It is the purpose of this Title to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes chapters 412, 429, 471, 505 and 58, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.

1201.03 EXCEPTIONS. The provisions of this Ordinance shall not apply to:

1. a cemetery or burial plot while used for that purpose;
2. any division of land made by testamentary provision, the laws of descent, or upon court order;
3. land which the Planning Commission or the Council finds to be unsuitable for land subdivision due to flooding, inadequate drainage, steep slopes, rock formations or other features likely to be harmful to the safety and general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots; and,
4. in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds, or Registrar of Titles prior to the effective date of this Ordinance. Nor is it intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by or in conflict with this Ordinance, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinance, contract or deed, the provisions of this Ordinance shall control.

Section 1202.00 DEFINITIONS.

1202.01 Definitions.

1202.01 DEFINITIONS.

- A. ACCESS WAY: A public or private right-of-way across a block or within a block to provide non-vehicular access, to be used by the general public.
- B. ALLEY: A public right-of-way, other than a street, which affords a secondary means of access to abutting property.
- C. APPLICANT: The owner of land proposed to be subdivided or the owner's representation. Consent shall be required from the legal owner of the premises.
- D. BLOCK: An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary or boundaries of the subdivision or by a combination of the above with a river, lake or park.
- E. BOULEVARD: A portion of the street right-of-way between the curb line and the property line.
- F. BUILDABLE LAND: Land that is not classified as floodplain or wetland or bluff, that is contiguous and not separated by streams, wetlands.
- G. BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy, which is permanently affixed to the land.
- H. BUILDING SETBACK: The minimum horizontal distance between the building and the ordinary high water mark or the specified lot line as prescribed in this Ordinance.
- I. CERTIFICATE OF SURVEY: A document prepared by a Registered Engineer or Registered Land Surveyor which precisely describes area, dimensions and locations of a parcel or parcels of land.
- J. CITY: The City of Belle Plaine.
- K. CONVEYANCE: The sale, trading, donation, or offer of sale or other transfer of land.
- L. COMPREHENSIVE PLAN: A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City and its vicinity. Said plan includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- M. CONCEPT PLAN: A sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, use, relationship to surrounding area, generalized natural features, easements, and any requested zoning change and other information required by this Ordinance for review by the City.

- N. DESIGN STANDARDS: The specifications to landowners or subdividers for the preparation of preliminary plans indicating, among other things, the optimum, minimum or maximum dimensions of such features as right-of-way and blocks as set forth in Section 6.
- O. DEVELOPER: A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title. This shall be synonymous with subdivider.
- P. DRAINAGE COURSE: A watercourse or surface area for the drainage or conveyance of surface water, including channel, creek, ditch, drain, river, and stream.
- Q. EASEMENT: A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, roadways, walkways, bicycle trails, utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, gas lines, pipelines, and cable television lines.
- R. ENGINEER: The person or persons, individual or corporate, designated from time to time by the City Council as the City Engineer.
- S. FINAL PLAT: The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved and properly executed, will be submitted to Scott County for recording in public records.
- T. HIGHWAY: A right-of-way with a minimum of four divided lanes, two in each direction, that allows limited street crossings and no new access to abutting property.
- U. GRADE: The slope of a road, street, or other public way, specified in percentage terms.
- V. LOT: Previously platted land, excluding outlots, occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.
- W. LOT, CORNER: A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
- X. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two streets.
- Y. METES AND BOUNDS DESCRIPTION: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines

forming the boundaries of the property or delineating a fractional portion of a section, lot or area by describing lines or portions thereof.

- Z. MINOR SUBDIVISION: The division of a single parcel, lot, or tract, into two (2) separate parcels, lots or tracts.
- AA. NATURAL WATERWAY: A natural passageway on the surface of the Earth so situated and having such a topographical nature that surface or percolating water flows through it from other areas before reaching a final ponding area.
- BB. OFFICIAL MAP: A map adopted in accordance with this Ordinance showing existing streets, proposed future streets, and the area needed for widening of existing street of the City. An official map may also show the location of existing and future land and facilities within the City. An official map may cover the entire City or any portion of the City.
- CC. OUTLOT: A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended within this plat and for which no building permit shall be issued.
- DD. OWNER: Any individual, firm, association, syndicate, co-partnership, corporations, trust, limited liability corporation, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided or commercially used to commence and maintain proceedings under this Chapter.
- EE. PARCEL: A contiguous tract of land, which may consists of un-platted land or one or more platted lots.
- FF. PARKS, PLAYGROUNDS AND PUBLIC OPEN SPACE: Public lands and local open spaces in the City dedicated and owned by the City to be reserved for recreation or conservation purposes.
- GG. PEDESTRIAN WAY: A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and others, which may be used for the installation of utility lines. Pedestrian ways include sidewalks and trails for bicycle and pedestrian traffic.
- HH. PERCENTAGE OF GRADE ON STREET CENTERLINE: The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.
- II. PERSON: Any individual, firm association, syndicate or partnership, corporation, trust, or any other legal entity.
- JJ. PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission of the City of Belle Plaine.
- KK. PRELIMINARY PLAT: The preliminary map, drawing or chart indicating the proposed layout of the subdivisions to be submitted to the Planning Commission and Council for their consideration, including required data.

- LL. PROTECTIVE COVENANTS: Contracts made between private parties as to the manner in which land may be used, with a view to protecting and preserving the physical, social and economic integrity of any given area.
- MM. PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- NN. RIGHT-OF-WAY: Property dedicated to public use and is intended to be occupied or which is occupied by a street, alley, trail, utility lines, oil or gas pipeline, railroad lines, storm sewer, or other similar use.
- OO. SINGLE FAMILY DWELLING: A detached dwelling unit designed for occupancy of one family.
- PP. STREET: A public or private right-of-way which affords primary access by pedestrians and vehicles to abutting properties or carries traffic from one part of the City to another, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.
- QQ. STREET, ARTERIAL: Those streets primarily intended to carry larger volumes of traffic from one part of the City to another and are intended to provide for collection and distribution of traffic between highways and collector streets; hence direct access to property is not intended and regulation is critical.
- RR. STREET, COLLECTOR: A street that carries traffic from local streets to arterial streets and highways. Collector streets primarily provide principal access to residential neighborhoods, including, the principal entrance streets of a residential development and principal streets for circulation within such development and to a lesser degree direct land access.
- SS. STREET, CUL-DE-SAC: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- TT. STREET, LOCAL STREET: Those streets, which are used primarily for access to abutting properties and for local traffic movement.
- UU. STREET, PRIVATE: A street, serving as vehicular access to two (2) or more parcels of land or buildings, which is not dedicated to the public and is owned by one (1) or more private parties.
- VV. STREET WIDTH: The shortest distance between the lines of lots delineating the right-of-way of a street.
- WW. SUBDIVIDE: The creation of a subdivision, lot, parcel, or tract of land by dividing a lot, parcel, or tract into two (2) or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.

- XX. **SUBDIVIDER:** Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title. This shall be synonymous with Developer.
- YY. **SUBDIVISION:** A described tract of land which is to be or has been divided into two (2) or more lots, outlots, or parcels for the purpose of transfer of ownership, or building development, or if a new street is involved, any division of land. The combination of two or more parcels, lots, or tracts which would result in the creation of a lot over thirty thousand (30,000) square feet shall also be considered a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- ZZ. **TANGENT:** A straight line, which is perpendicular to the radius of a curve at a point on the curve.
- AAA. **TOWNHOMES:** Structures housing two (2) or more dwelling units of not more than two (2) stories each and contiguous to each other only by sharing one (1) common wall. No single structure shall contain in excess of eight (8) dwelling units, and each dwelling unit shall have separate and individual front and rear entrances.
- BBB. **TRACT:** A defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.
- CCC. **TWO-FAMILY DWELLING:** A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
- DDD. **UTILITIES:** Public or Private systems for the distribution or collection of water; gas; sewer (wastewater); storm water; electricity including all transformers, streetlights, etc.; telephone; and cable television service.
- EEE. **VARIANCE:** The waiving action of the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to individual property under consideration.
- FFF. **WATERS OF THE STATE:** As defined in Minnesota Statute Section 115.01, subdivision 22, the term “waters of the state” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon state of any portion thereof.
- GGG. **ZONING ORDINANCE:** The Zoning Ordinance controlling the use of land, as adopted by the City of Belle Plaine, including the Official City Zoning Map.

(Ord. 11-09, Section 1202, Definitions, Adopted September 19, 2011)

Section 1203.00 RESTRICTIONS ON FILING AND RECORDING CONVEYANCES

1203.01 Restrictions on Filing and Recording Conveyances.

1203.01 RESTRICTIONS ON FILING AND RECORDING CONVEYANCES. Upon the adoption of this Ordinance, no conveyance of land to which this Ordinance is applicable shall be filed or recorded, and no building permit shall be issued for construction or alteration on any property, if the land is described in the conveyance by metes and bounds, or by reference to an unapproved registered land survey, or to an unapproved plat made after the effective date of this Ordinance. The foregoing provisions does not apply to a conveyance if the land described:

1. was a separate parcel of record prior to the date of the adoption of this Ordinance, or
2. was the subject of a written agreement to convey entered into prior to such time, and the instrument showing the agreement to convey was recorded in the office of the Registrar of Deeds within one year of such agreement, or
3. was a separate parcel of not less than two and one-half (2 ½) acres in area, and one hundred fifty (150) feet in width on the effective date of this Ordinance.

In any case in which compliance with the foregoing provision will involve an unnecessary hardship, and failure to comply does not interfere with the general purpose and spirit of this regulation, the City Council may waive such compliance by adoption of a resolution to that effect with the consent of the Planning and Zoning Commission, and may attach to such waiver such conditions as may be deemed necessary to require maximum reasonable compliance with the provisions of this ordinance; the conveyance may then be filed and recorded, and/or a building permit issued. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the foregoing provisions shall forfeit and pay to the City a penalty of not less than one hundred dollars (\$100) for each lot or parcel so conveyed. (Pursuant to State Law MSA 462.358 (Sub. 4)).

Section 1204.00 PROCEDURES FOR FILING.

- 1204.01 Concept Plan.
- 1204.02 Preliminary Plat.
- 1204.03 Final Plat.

1204.01 CONCEPT PLAN.

SUBD. 1. In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Title and the requirements or limitations imposed by other City ordinances or plans, prior to the development of a preliminary plat, all applicants shall present a concept plan to the City prior to filing a preliminary plat.

A. CONTENTS OF PLANS: Subdividers shall prepare, for review by the Planning Commission and City Council, subdivision concept plans which shall contain the following information: tract boundaries, north point, streets on and adjacent to the tract, significant topographical and physical features, proposed general street layout, proposed general lot layout, and any zoning changes.

B. CITY REVIEW: The subdivider is responsible for providing at least ten (10) copies of the proposed subdivision to City Staff and completion of an application for concept plan review. The Planning and Zoning Commission will review the concept plan and provide a recommendation to the City Council. The City Council shall review the concept plan and may deny or approve the concept plan with conditions. The subdivider will need to use the Engineering Policy as established by the City.

C. MODIFICATIONS: As far as may be practical on the basis of a concept plan, the Planning and Zoning staff will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Title and will discuss possible plan modifications necessary to secure conformance.

1204.02 PRELIMINARY PLAT.

SUBD. 1. PROCEDURE FOR SUBMITTAL AND REVIEW: Pursuant to Minnesota Statutes 15.99, as may be amended, an application for a preliminary plat shall be approved or denied by the City Council within one-hundred and twenty (120) days from the date of its official and complete submission, unless notice of extension is provided by the City or a time waiver is granted by the applicant.

A. FILING: Ten (10) copies of the preliminary plat shall be filed with the Zoning Administrator at least twenty (20) days prior to the regular Planning and Zoning Commission meeting, at which time the plat is to be considered, together with the filing fee.

B. FILING FEE: The filing fee shall be as set by the City Council, to be used for the expenses of the City in connection with the approval or disapproval of said plans.

C. REZONING: If the property must be rezoned for the intended use, an application for rezoning, pursuant to the procedure in the Zoning Code, shall be filed with the preliminary plat.

D. ACTION BY PLANNING AND ZONING STAFF: Prior to the meeting of the Planning and Zoning Commission at which the preliminary plat is to be considered, the City Planner and other appropriate Department Directors shall examine the plat for compliance with this and other ordinances of the City, and shall submit a written report to the Commission.

E. ACTION BY THE PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission shall conduct a public hearing to accept public input on the proposed preliminary plat at their first regular meeting after the plan has been filed in accordance with the procedure outlined above. Notice of said hearing shall be published in the official City newspaper at least ten (10) days prior to the hearing. Mailed notice of this hearing shall be sent to surrounding property owners within two-hundred fifty feet (250'), each utility company, the City Attorney, City Engineer and to the following, if appropriate:

1. Commissioner of Transportation if the proposed subdivision includes land abutting an established or proposed trunk highway;
2. County Engineer if the proposed subdivision includes land abutting a county or county state-aid highway.
3. State Commissioner of Natural Resources if the proposed subdivision adjoins a public body of water.

The Planning and Zoning Commission shall consider the preliminary plat together with the reports from City Staff and Consultants, compliance with the City Ordinances and public input. The Planning and Zoning Commission shall formulate a recommendation concerning the preliminary plat within thirty (30) days, and shall promptly transmit it to the City Council, or the Council may take action without a recommendation. Notice of the action taken by the Commission will be forwarded to the applicant within ten (10) days.

F. ACTION BY THE PARK BOARD: The Park Board shall make a recommendation to the City Council as to the location, size and type of park improvements and sidewalk/trail system proposed. If the City Council grants approval of the preliminary plat prior to review by the Park Board, such approval shall be contingent on review of the Park Board.

G. ACTION BY THE CITY COUNCIL: The recommendation of the Planning and Zoning Commission and the Park Board on the preliminary plat shall be considered by the City Council, and the City Council shall hold a public hearing and shall approve, disapprove or conditionally approve the plat within thirty (30) days. If the City Council disapproves said plan, the grounds for any such refusal shall be set forth in the proceedings of the City Council and reported to the applicant. Notice of the action(s) taken by the City Council shall be forwarded to the applicant within ten (10) days.

H. TERM OF APPROVAL: Approval of the preliminary plat shall be effective for period of twelve (12) months, unless an extension is granted by the City Council. The applicant may file a Final Plat limited to such portion of the preliminary plat as he/she proposes to record and develop at the time, provided that such portion conforms to all requirements of this Ordinance. If some portion of the Final Plat has not been submitted for approval within one year, a preliminary plat must again be submitted to the Planning and Zoning Commission and City Council for approval.

I. PRELIMINARY APPROVAL: Approval of the preliminary plat shall not be construed to be approval of the final plat. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewage disposal, grading, gradients and roadways widths by the Public Works Department, City Engineer and other public officials having jurisdiction prior to the approval of the final plat by the City.

J. DRAINAGE: No plat will be approved for a subdivision which is subject to periodic flooding, or which contains poor drainage facilities and which would make adequate drainage to the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for residential occupancy and provide adequate street and lot drainage, the preliminary plat of the subdivision may be approved. Plats along the Minnesota River shall show the 100-year flood line on the preliminary plat.

SUBD. 2. DATA REQUIRED FOR PRELIMINARY PLAT: Any owner or his/her agent, trustee, or attorney-in-fact (hereinafter called the "subdivider") desiring to subdivide a piece of land in the City shall submit to the City Planner ten (10) large copies of preliminary drawings or prints and one 8 1/2" x 11" reproducible copy, application fee as identified in the City Fee Schedule and written documents containing the following information:

A. IDENTIFICATION AND DESCRIPTION:

1. The name of the proposed subdivision. Said subdivision name shall not duplicate or nearly duplicate the name of any other subdivision in the County, unless the proposed subdivision is an addition to an existing subdivision.
2. The legal description of the land contained within the subdivision including the total acreage of the proposed subdivision.
3. The names, addresses and telephone numbers of all persons, firms and corporations holding interests in said land.
4. An indication as to which lands are registered property or abstract property.
5. The name, address, telephone number and professional license number and seal of the registered land surveyor who made, or under whose supervision was made, the survey of the proposed subdivision.
6. The date of said survey and revision dates for all subsequent submissions.
7. A graphic scale or plat, not less than one inch equal to one hundred feet (1"=100').
8. Existing and proposed covenants, liens or encumbrances.
9. Elevation benchmarks use for the topographic survey, which match the County's coordinates.
10. Reference to the coordinate system use for the survey.

B. EXISTING CONDITIONS:

1. A vicinity map at a scale acceptable to the Planning and Zoning Commission showing the relationship of the proposed subdivision to adjacent properties, roads, right-of-ways, and other property and subdivision within five hundred (500) feet of the proposed subdivision, and the relation of the plat to the surrounding zoning districts.
2. All existing monuments and markets found and set.
3. The location, names and widths of all existing streets, roads and easements within the proposed subdivision and adjacent thereto.

4. The approximate boundaries of all areas subject to inundation or storm water overflow, and the location, width and direction of flow of all watercourses.
5. The approximate location of tree cover and general identification thereof. A more detailed tree inventory may be required in areas of concern for natural resources. The City Planner and/or Planning and Zoning Commission may request a detailed tree inventory in such instances.
6. The location and, where ascertainable, sizes of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided.
7. The location of soil test holes, together with data regarding soil bearing qualities, etc., attesting to the suitability of soils for the specific uses proposed in the subdivision.
8. North arrow and scale.
9. Contours existing and proposed, at two-foot intervals, and spot elevations to determine the general slope of the land, and high and low points thereof. Said contours and elevations shall be based upon datum acceptable to the City Engineer.
10. Areas in the plat which have been designated as wetlands and/or floodplains by the Department of Natural Resources and/or identified on the National Wetland Inventory (NWI) maps.

C. PROPOSED CONDITIONS:

1. The boundaries of all blocks and lots within the proposed subdivision, together with the numbers and letters proposed to be assigned each lot and block.
2. The total number of proposed lots, their minimum, maximum and average size.
3. The layout of proposed streets showing rights-of-way widths, centerline grades of streets and proposed street names.
4. The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the preliminary map or on the vicinity map, as appropriate.
5. Provisions for surface water disposal, ponding, drainage and flood control.
6. Where the subdivider owns property adjacent to that which is being proposed for subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions.
7. Proposed pad elevations on each lot. Pad elevations shall be eighteen (18) inches to thirty-six (36) inches above the center of the adjacent street.
8. Minimum front, side and rear setback lines on each lot. When lots are on a curve, the width of the lot at the building setback line shall be shown.
9. The location, size and proposed improvements for proposed parks, playgrounds and public open spaces; churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
10. Proposed right-of-way widths of alleys, if any, pedestrian ways, trails drainage easements and utility easements.
11. Preliminary Utility Plan including the proposed sizes and locations of water,

sanitary sewer, and storm water.

12. Preliminary Grading and Drainage Plan, including the types of houses proposed to be constructed on the lots, i.e. FB=Full Basement, SE L/O= Split Entry Lookout, SE W/O= Split Entry Walkout, or FB W/O = Full Basement Walk-out.

D. SUPPLEMENTAL INFORMATION: Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or the City Council.

1. If zoning changes are contemplated, the proposed zoning plan for the area, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.
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1204.03 FINAL PLAT.

SUBD. 1. PROCEDURE FOR SUBMITTAL AND REVIEW: The procedure for approval of the final plat shall be as follows:

A. FILING: The final plat shall be submitted, along with written application for approval of the final plat and fee, as established in the City Fee Schedule, at least ten (10) days prior to a Planning and Zoning Commission meeting at which consideration is requested. The final plat shall be reviewed separately from the preliminary plat unless the City agrees to review the preliminary and final plats simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the City. Otherwise it shall conform to the preliminary plat. If the final plat is not submitted within twelve (12) months, the approval of the preliminary plat shall be considered void unless time has been extended by the City Council.

B. All final plats shall comply with the provisions of Minnesota Statutes and requirements of this Ordinance.

C. The applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, or other such evidence as the City Attorney may require showing title or control in the applicant.

D. The applicant shall submit with the final plat, certification to the City that there are no delinquent property taxes, special assessments, interest and City utility fees due upon the parcel of land to which the subdivision application relates.

SUBD. 2. REVIEW OF FINAL PLAT.

A. STAFF REVIEW: The City shall refer copies of the final plat to the Engineer, for review of engineering standards and specifications, and utilities companies. The abstract of title, registered property report or other such evidence shall be submitted to the City Attorney for examination and report. The subdivider shall reimburse the City for the fees of the City Attorney.

B. REVIEW BY OTHER AGENCIES. Review by all other appropriate agencies that have jurisdiction within or adjacent to the final plat. Agencies may include, but not limited to, the Minnesota Pollution Control Agency, Scott County Soil and Water Conservation District, Army Corps of Engineers, Mn/DOT, etc.

C. ACTION OF THE PLANNING AND ZONING COMMISSION: A recommendation of approval or disapproval of the final plat will be forwarded to the City Council after the meeting of the Planning and Zoning Commission at which such plat was considered.

D. APPROVAL OF THE CITY COUNCIL: After a review of the final plat by the Planning and Zoning Commission, such final plat, together with the recommendations of the Planning and Zoning Commission shall be submitted to the Council for approval. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, and parks, or other open space dedicated to public purposes- Pursuant to Minnesota Statute 15.99, as may be amended, an application for a final plat shall be approved or denied by the City Council within sixty (60) days from the date of its official and complete submission unless notice of extension is approved by the City or a time waiver is granted by the applicant. If applicable, procession of the application through required State or Federal agencies shall extend the review and decision-making period an additional sixty (60) days, unless this limitation is waived by the applicant. Failure of the Council to act on the application within sixty (60) days shall be deemed as approval. If disapproved, the ground for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.

No final plat shall be approved that:

1. Does not conform to the preliminary plat.
2. Does not meet the design standards and engineering specifications set forth in this Ordinance.
3. Does not have the required documents calling for means to finance the public improvements as well as other required data.

E. RECORDING: If the final plat is approved by the City Council, the subdivider shall record it with the County Recorder's Office within one hundred eighty (180) days after the date of approval; otherwise the approval shall be considered void.

SUBD. 3. CONTENTS OF FINAL PLAT:

When a final plat is approved, it shall include the following:

1. Name of Plat.
2. Detailed plans and specifications for construction of public utilities including sanitary sewer, municipal water supply, drainage and flood control plans- all approved by the City Engineer.
3. Letter of credit, as provided for in Ordinance.
4. Evidence that ground water control is at least five (5) feet below the level of finished grades of plan for solving ground water problems.
5. Any supplemental engineering data required by the City Engineer.
6. Data required under regulation of the County Surveyor - accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths.
7. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width of the building setback lines shall be shown.
8. All lots and blocks clearly numbered, shown in the center of the block.
9. True angles and distances tied to the nearest established street lines or official monuments (not less than three) which shall be accurately described on the plat.
10. City County, or section lines accurately tied to the lines of the subdivision by distances and angles.

11. Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
12. Accurate location of all monuments. A permanent marker shall be deemed to be a steel rod or pipe, three-fourths (3/4) inch or larger in diameter extending at least fourteen (14) inches below the finished grade. In situations where conditions prohibit the placing of markers in locations prescribed above, offset markers shall be shown on the final plat, together with accurate interior angles, bearing and distances.
13. Certification by a registered land surveyor to the effect that the plat represents a survey made by him/her and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
14. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, and other public areas.
15. A statement dedicating all easements, streets, alleys, parks and public open spaces and other public areas not previously dedicated.
16. Approval by signature of the chairman and secretary of the Planning and Zoning Commission, Mayor, City Administrator and applicable, County and State officials.
17. Scale of the plat.
18. A written opinion of the final plat shall be obtained from the City Attorney.

SUBD. 4. SUPPLEMENTARY DOCUMENTS.

The following shall also be provided to the City:

1. A mylar copies, provided in full size and 8 ½ X 11 size, of the subdivision as approved by the City.
2. A complete set of subdivision development plans containing plans and specifications to construct the required public improvements and to make the subdivision suitable for development, which conform to the City requirements
3. A certified copy of the plat evidencing filing of the plat with the County within ninety (90) days after approval by the City. No building permits shall be approved for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Scott County.
4. A complete set of as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the City within one hundred and twenty (120) days after the construction is complete and approved by the City.
5. Copies of any protective or restrictive covenants affecting the subdivision or any part thereof.
6. Upon adoption and filing of a final plat, the City shall prepare a street address map and distribute it to the applicant, utility companies, police department and County.

7. A letter of credit per the Developer's Agreement, for the utility and street improvements and, for the site grading and erosion control shall be placed with the City. The City may release a portion of the letter of credit as public utility and street improvements are approved by the City Engineer, as grading and erosion control has been certified and signed by the developer's engineer.
8. A disk of the recorded plat in AutoCadd format for inclusion in the City's base map.

Section 1205.00 DESIGN STANDARDS.

- 1205.01 Monuments.
- 1205.02 Street Improvements.
- 1205.03 Public Utilities.
- 1205.04 Erosion and Sediment Control.
- 1205.05 Lot and Block Standards.
- 1205.06 Park/Public Land Dedication.
- 1205.07 Easements.
- 1205.08 Other.

1205.00 DESIGN STANDARDS. All plats shall conform to the design standards set forth in this Ordinance, except in cases of changes permitted in a planned unit development, by the City Council approval of a waiver of platting requirements, or by specific exceptions designated by this Ordinance.

1205.01 MONUMENTS: When finished, all subdivisions must have block corner monuments replaced. Survey error may not be more than 1 in 7500.

SUBD. 1. Said monuments shall be as approved by the Scott County Surveyor's Office for use as judicial monuments and shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to the indicated, each angle point of the boundary perimeter to be so monumented.

SUBD. 2. Pipes or steel rods shall be placed at each lot corner and at each intersection of street center lines. All Unites States, Minnesota, and County or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. All property pin markers removed or damaged during the building process must be replaced.

1205.02 STREET IMPROVEMENTS.

SUBD. 1. STREET LOCATIONS: The street layout of every subdivision shall be in conformity with the City's Transportation Plan, and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Street networks shall provide ready access for fire and other emergency vehicles, and the Planning and Zoning Commission may require additional access points if such are found to beneficial or necessary to protect the public safety.

Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the un-subdivided portion shall be prepared and submitted by the subdivider.

Reserved strips controlling access to streets are prohibited.

SUBD. 2. STREET ACCESS: No land situated in the City which has been subdivided or laid out into separate tracts shall be sold for use for dwellings unless such tracts of land shall abut upon a public or private street or public highway. This limitation shall not apply to planned developments approved by the City Council pursuant to the Zoning Ordinance.

Street access shall not be denied by creation of parcels of land of substandard depth which are held in private ownership.

SUBD. 3. CLASSIFICATION OF STREETS: Classification of streets shall be determined with reference to the Transportation Plan and official street maps including highway, arterial, major and local collector and local streets.

A. CUL-DE-SACS/DEAD END STREETS: Cul-de-sacs or Dead End Streets designed to have one end permanently closed or in the form of cul-de-sac, (turn-around) shall be provided at the closed end with a turn-around having a minimum right-of-way radius of not less than sixty feet, or with a Y or T permitting comparable ease of turning.

B. CURVED STREETS: The location of all curved streets should be so arranged as to fit the natural topography as closely as possible and to make possible desirable land subdivisions and safe vehicular traffic.

C. HALF STREETS: Half streets shall be prohibited, except where essential to reasonable development of future subdivisions. In cases where the entire right-of-way has been dedicated to the public, but the property of the owner and subdivider is located on one side of such street, the owner and subdivider shall be required to grade the entire street in accordance with the plans to be approved by the City Engineer, but the owner and subdivider shall only be required to deposit payment for one-half of the engineer's estimated cost for the improvement required. Building permits shall be denied for lots on the side of the street where the property is owned by persons who have not entered into a development agreement with the City for the installation of the improvements required under this ordinance, or Subdivision Boundary Streets: A street lying along the boundary of a subdivision may be dedicated less than the required width if it is practical to require the dedication of the remaining portion when the adjoining property is subdivided. Whenever there exists a dedicated portion of a street in a subdivision adjoining a proposed subdivision, the other portion shall be dedicated on the proposed subdivision to make the street complete. To assure that this occurs, a one foot reserve strip shall be deeded to the City on the subdivision boundary along the street for the purpose of withholding access from the unsubdivided property to said street until such time as the completed street is constructed. The same procedure will be required when a street dead ends without a cul-de-sac at the boundary of any subdivision.

D. LOCAL STREETS: Local Streets shall be designed so their use by through traffic will be discouraged.

E. PRIVATE STREETS: Private Streets may be permitted, upon approval of a Planned Unit Development overlay district, of narrower width than public streets where connection with a public street is provided and utility and snow storage easements adjacent to the right-of-way are provided of sufficient width to total the width requirements for similar public streets. Such streets are to be maintained privately.

SUBD. 4 Classification of Alleys

A. ALLEYS: Alleys within subdivisions shall have a minimum width of twenty (20) feet and shall be improved to the same standards provided for streets generally. Dead

end alleys and alleys with sharp changes in direction are prohibited.

SUBD. 5. Design Standards - Streets

A. CURB RADIUS: The minimum curb radii for thoroughfares, collector streets, local streets and alleys shall be as follows:

1. Arterial and Collector Streets – Twenty-five (25) feet.
2. Local Street – Fifteen (15) feet.
3. Alleys - Ten (10) feet.

Where required, curbs and gutters shall be installed as per Minnesota Department of Transportation construction specifications Plate B 6-18.

- B. CURB DESIGN: All developments shall include B-6, high back, curb, unless a waiver is granted by the City Council.
- C. RESERVE CURVES: Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid Standards.
- D. RESERVE STRIPS: Reserve Strips controlling access to streets shall be prohibited except under conditions accepted by the City Council. See Section 6.2 I.
- E. STREET ACCESS: Where a subdivision borders upon a railroad or limited access highway right-of-way, a street may be required approximately parallel to, and at a distance suitable for, the appropriate use of the intervening loan as for park purposes in residential districts or for parking, commercial or industrial purposes in appropriate districts. Such distances shall be determined with regard for the requirement of approach grades and possible features grade separations.
- F. STREET ALIGNMENT: Connecting street center lines deflecting from each other at any point more than ten degrees shall be connected by a curve of at least one hundred foot radius for collector and local streets, and at least a three hundred foot radius for arterial streets. A tangent at least one hundred feet long shall be introduced between curves on arterial streets.
- G. STREET GRADES: Whenever feasible, street grades shall not exceed the following, with due allowance for reasonable vertical curves:
- | Street Type | Percent Grade |
|-------------|---------------|
| Arterial | 4% |
| Collector | 6% |
| Local | 7% |
- All streets shall be graded in accordance with the specifications of the City Engineer. Such grading shall be for the full right-of-way width of the dedicated street.
- H. STREET INTERSECTIONS: Street intersections shall be as nearly at right angles as is practicable. No street should intersect any other street at less than eighty (80) degrees. Street intersection spacings shall follow the guidelines set forth in the City's Transportation Plan.

- I. **STREET JOGS:** Street jogs shall be discouraged and proposed jogs with center line offsets of less than one hundred twenty-five feet (125') are not permitted.
- J. **SURFACING:** All streets shall be surfaced for the full roadway or curb-to-curb width as described in this Ordinance. Such surfacing shall consist of a gravel base over a suitable sub-grade and an approved bituminous or concrete surface in accordance with the specifications of the City Engineer. Any ditches required for suitable drainage shall be constructed in the unpaved portion of the street and shall be sodded. Unsuitable soil lying within one foot of the subgrade shall be removed and replaced with suitable material. The drop from the centerline of the street to the outer edge of the street shall be a minimum of one-quarter (1/4) inch per foot of street width.
- K. **TANGENTS:** A tangent at least five hundred (500) feet long must be introduced between reverse curves on collector streets and a tangent of at least fifty (50) feet in length must be introduced between reverse curves and vertical curves on all other streets.

SUBD. 6. Minimum Street/Access Standards*

Class of Street	R/W Width + (Feet)*	Curb Width (Feet)*	Grade (%)	Sidewalk Width(Ft)	Trail Width ROW/Paved
Arterial	100 -120	52-68	4	6	20/8
Collector	80	40-52	6	5	15/8
Local	60	32-40	7	5	15/8
Turn-around	60' radius	45' radius	7	5	15/8

* The Council may require larger or smaller than minimum widths upon recommendation of the Planning and Zoning Commission. A street which intersects or crosses a railroad shall have a right-of-way of sufficient width to permit construction of a grade-separated crossing.

1205.03 PUBLIC UTILITIES. Where sewer and water systems are installed, the mains shall be of adequate size to accommodate future growth and utilization. Stubs shall be provided to each lot from the utility main to the lot line for future connection. Wherever practical, similar utilities shall be placed in the same general location on streets of the same direction.

A. SANITARY SEWERS: Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the City sanitary sewer system is available or where detailed plans and specifications for sanitary sewers to serve the subdivision are available. Sanitary sewer lines shall be extended to the edges of the development to facilitate future subdivisions. The size of the sanitary sewer main shall be determined by the City Engineer. Sewer mains shall conform to the City's Wastewater Collection Plan or as directed by the Public Works Committee and approved by the City Council.

B. WATER. Water distribution facilities including pipe fittings, hydrants, valves, etc., shall be installed to serve all properties within the subdivision. Water lines shall be extended to the edges of the development to facilitate future subdivisions. The size of the

water main shall be determined by the City Engineer. Water mains shall conform to the City's Comprehensive Water Plan or as directed by the Public Works Committee and approved by the City Council.

C. STORM WATER: All subdivision design shall incorporate adequate provisions for storm water runoff consistent with the Belle Plaine Storm Water Plan, as amended, and be subject to review and approval of the City Engineer.

D. ELECTRIC/TELEPHONE/CABLE: All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, cable television lines and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground. Such lines, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Transformer boxes shall be located so as not to be hazardous to the public. The City Council may waive the requirements of underground services as set forth in this section if, after study and recommendation by the Planning and Zoning Commission, the City Council establishes that such underground utilities would not be compatible with the planned development or unusual topography, soil or other physical conditions which would make underground installation unreasonable or impractical.

1205.04 EROSION AND SEDIMENT CONTROL.

SUBD. 1. EROSION AND SEDIMENT CONTROL. Grade and drainage requirements for each plat shall be subject to approval of the City Engineer. The following controls shall be practiced to manage erosion and sediment control:

A. Where topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. Top soil shall be restored or provided to a minimum depth of six (6) inches and shall be of a quality at least equal to the soil quality prior to development.

B. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

C. Erosion and siltation control measures shall be coordinated with the different stages of construction and approved by City staff. Appropriate control measures shall be installed prior to development when necessary to control erosion. Silt fences or sod shall be installed development wide, prior to issuing a building permit. The silt fence shall be installed right behind the curb or if a sidewalk is in place right behind the sidewalk. If a sidewalk is located in the front of the lot the developer will be responsible for sodding the boulevard between the sidewalk and the curb before a Certificate of Occupancy will be issued.

D. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

E. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.

1205.05 LOT AND BLOCK STANDARDS.

SUBD. 1. Lots shall be designed to meet the following minimum standards:

A. AREA: The minimum lot area, width and depth shall be sufficient to satisfy Zoning Ordinance requirements.

B. CORNER LOTS: Corner lots for residential uses shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.

C. DOUBLE FRONTAGE LOTS: Double Frontage Lots (or “through” lots) should be avoided, except where the subdivision abuts a major highway, major road or arterial. A planting screen easement of at least ten (10) feet and across which there may be no right of access, will be provided along the line of lots abutting such traffic artery or other disadvantageous use.

D. FEATURES: In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, bluffs, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

E. FRONTAGE/ACCESS: Every lot must have the minimum frontage on a City approved street other than an alley, as required by the City Zoning Ordinance, except where permitted under a planned unit development.

F. LOT BOUNDARIES: No lot shall be divided by a boundary line between registered land and abstract property, nor by a boundary line between two (2) owners.

G. LOT CORNERS AT STREET INTERSECTIONS: Curbs at street intersections shall be rounded by an arc, the minimum radius of which shall be twenty-five (25) feet or by a straight line not less than twelve (12) feet in length at approximately forty-five (45) degree angles from the lot lines.

H. LOT LINE ANGLES: Side lot lines shall be straight lines running within twenty (20) degrees of perpendicular to the road upon which the lots front. Side lot lines on curved roads should run at or near radially to the curve.

I. LOT PADS: The top of the foundation and the garage floor of all structures shall be at minimum eighteen (18) inches and at maximum thirty-six (36) inches above the grade of the crown of the street upon which the property fronts. Exceptions to this standard may be approved by the Zoning Administrator for special circumstances such as increased setback, site topography, flooding potential, and the like, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area.

J. LOT REMNANTS: All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

K. RE-SUBDIVISION OF LOTS: When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for

adequate utility connections for such re-subdivision.

L. SETBACK LINES: On the Preliminary Plat, setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the City Zoning Ordinance, as may be amended.

M. TURN-AROUND ACCESS: Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access and egress on each lot.

N. WATERCOURSES: Lots abutting a watercourse, wetland, ponding area or stream shall have additional depth and width, as required under the provisions of the City Zoning Ordinance.

SUBD. 2. Block Standards: All blocks shall be designed to meet the following minimum standards.

A. BLOCK ACCESS: Pedestrian ways or bicycle trails ten (10) feet wide may be required between streets paralleling a block if pedestrian access to schools or other areas of pedestrian destination is deemed desirable by the Planning and Zoning Commission and City Council.

B. ARRANGEMENT: A block shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad or limited access highway and unless topographical conditions necessitate a single tier of lots.

C. BLOCK LENGTH: In general, intersecting streets, determining block lengths, shall be provided as such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed twelve hundred (1200) feet in length nor be less than four hundred (400) feet in length, except where topography or other conditions may justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block.

D. BLOCK SHAPE: Blocks shall be shaped so that all blocks fit readily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public open space areas.

E. BLOCK USE: Blocks intended for commercial, institutional and industrial use must be designated as such and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

1205.06 PARK/PUBLIC LAND DEDICATION

SUBD. 1. INTENT AND PURPOSE: The process of dividing land into separate parcels for parks and open space is one of the most important factors in the growth of any community. Once the land has been dedicated to parks and open space, the basic character of the permanent addition to the City has become firmly established. It is, thereof, in the interest of the general public, the developer, and the residents of the community, that parks and open space areas be

conceived, designed and developed in accordance with the highest possible standards of excellence.

All parks and open space areas hereafter dedicated shall comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

1. Provide for a variety of activities within the park system, including various cultural and social activities, and active and passive recreation.
2. Establish and promote high quality design standards in the development of the park system.
3. Encourage cooperative planning development and use of park and recreational facilities by the school district and the City so that the City facilities can be useful to the School District and the School District facilities will be available to city residents.
4. To insure that all areas of the City have equal access to parks and open space areas by providing for equal distribution of parks and open spaces throughout all sections of the City relative to user population densities.

SUBD. 2. General Requirements.

A. Where a park, playground, or open space area is proposed to be located in whole or in part in a subdivision, the Planning Commission shall require that such area or areas be shown on plats in accordance with the requirements specified to the City by the developer, if the City Council approves such dedication.

B. The Planning Commission shall require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission shall require that the developer satisfactorily grade any such recreation areas shown on the plat to insure maximum advantage of natural features, notable waterways, etc.

C. Land to be dedicated for parks and open spaces shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served.

SUBD. 3. Dedication Requirements

A. The City does hereby require that in all plats of subdivisions to be developed for residential, commercial, industrial or other uses, or as a planned unit development which includes residential, commercial and industrial uses, or any combination thereof, ten (10) percent of the gross buildable land of all property being subdivided shall be dedicated for parks, playgrounds, trails, recreational areas, or public open space. Such percentages shall be in addition to the property dedicated for streets, alleys, drainage ways, pedestrian ways or other public ways. Storm water ponding areas may be incorporated into the park land but shall not be considered a part of the park land dedication.

(ORD. 11-09, Section 1205.06, Adopted September 19, 2011.)

B. The City shall have the option of requiring a cash contribution in lieu of the land dedication. The required cash contribution shall be in accordance with the Fee Schedule as set forth by resolution adopted by the City Council. The City may elect to accept a combination of land dedication for park use and a cash payment.

C. During review of the concept plan, the Park Board shall forward their recommendation to the Planning and Zoning Commission and City Council regarding the appropriate park dedication. The Subdivider shall be required to pay said dedication upon execution of the Developer's Agreement.

D. All revenue obtained as park dedication fees shall be placed in the City's park fund.

E. Church, school, government buildings and other non-profit organizations who operate and are based within the city limits may be exempt from the requirements specified in this section, by action of the City Council. If the property that is exempt from park dedication is ever subdivided, replatted or sold and used for other purposes, then those mentioned above, it will be subject to the requirements specified in this Section.

F. The following zoning classifications shall be used to determine public site and open space requirements for this section:

1. Residential - R-1, R-2, R-3, R-7, and R-MH
2. Commercial/Industrial - B-2, B-3, I/C and I-2

G. New parks shall have a minimum percentage of perimeter land adjacent to streets, based on the classification of the park as established by the City Council.

Park Classification	% Perimeter to be Adjacent to a Street
Neighborhood Park	50%
Special Area/Park	50%
Community Park	60%
Play Fields/Ball Fields	65%

* Parks bordered on one (1) or more sides by existing or native rivers, lakes or streams will be exempt from the perimeter provision above, provided that the following conditions are met:

1. Access to the park is provided from an arterial roadway or collector street.
2. Pathways that allow emergency motorized vehicle traffic within the park are present.

H. All new parks shall provide access ways, from all practical directions, as determined by the Planning and Zoning Commission. All access ways shall be in compliance with the American with Disabilities Act.

I. Parking areas shall be established on land adjacent to the required park land area, sized to meet the needs of the planned facilities. Said parking areas shall be dedicated to public use.

1205.07 EASEMENTS.

SUBD. 1. DRAINAGE. Where a subdivision is traversed by a watercourse, there shall be provided a drainage way, channel, outlot, or drainage right-of-way conforming substantially with the lines of such watercourse, together with such further width of construction of both, as will be adequate for storm water run off. All drainage easements shall be so identified on the plat and shall be graded and sodded in accordance with Section 6.8.

If a storm water management plan involves direction of some or all runoff off the site, the

applicant shall obtain any easements or other property interests needed to establish the required drainage facilities from the adjacent property owner or owners. This is necessary in order for the city to provide the proper maintenance and long-term protection and operation of facilities created for the public benefit and constructed and permitted by the City. The stormwater management plan, or other permit or agreement governing site runoff, shall identify responsibility for future maintenance of the stormwater facilities.

(Ord. 11-11, Sections 1107.21, 1109.08, 1205.07, Adopted December 5, 2011.)

SUBD. 2. PUBLIC TRAILS/WALKWAYS. In addition to other open space, dedication of easement to provide connections to public trails will be required where shown on a Comprehensive Plan, and recommended by the Park Board. Where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities, pedestrian easements with rights-of-way widths of not less than ten (10) feet shall be required.

SUBD. 3. UTILITIES. Easements at least twenty (20) feet wide, centered on rear and front lot lines, and easements at least ten (10) feet wide shall be centered on side lot lines, unless the side lot line abuts a public right-of-way where it shall be twenty (20) feet wide, shall be provided for all utilities. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary.

SUBD 4. EASEMENT AND BLUFF ENCROACHMENT REQUIREMENTS. The erection and/or placement of any structure in an easement or bluff setback require an Easement and Bluff Encroachment Permit submitted to the City, along with the building/zoning permit. City staff will consider factors such as the type and use of the easement, location and stability of the bluff, erosion and sediment control, resulting drainage patterns, and the type and use of the proposed structure when making a decision. An Easement and Bluff Encroachment Permit must be signed by the property owner and approved by the City prior to the zoning/building permit being issued.

The following structures may be allowed in easements and the bluff setback with approval of an Easement and Bluff Encroachment Permit provided they could be easily moved or removed as determined by city staff:

1. Accessory structures 120 square feet or less (without permanent foundations)
2. Retaining walls for landscaping (provided drainage patterns are not affected).
3. Fences (provided drainage patterns are not affected).
4. Above ground, non-permanent swimming pools.

If, for any reason, the City or other authorized agency needs to perform work in an easement, the property owner must remove, at their expense, any structure or landscaping located within the easement within 30 days of being notified. If the items are not removed by the property owner within the time specified in the notice, or if an emergency situation exists, representatives of the City may remove these items and may charge the property owner for any removal and restoration expenses incurred. If the removal and restoration expenses remain unpaid, the City Council may assess the property.

If private utilities such as cable, gas, electric or telephone are located within the public easement, the City will notify the affected utility company of the structure proposed to be located in the easement prior to the City issuing a permit.

The City or any other authorized agency is not liable for repair or replacement of any structure or landscaping in the event it is moved, damaged or destroyed by virtue of the lawful use of the easement and bluff setback.

All permits received for encroachment of the bluff setback will be sent to Scott County WMO for review prior to approval of the request. Any land disturbing activities must receive approval from the Scott County WMO.

Any approved easement and bluff encroachment permit for construction within an easement or bluff setback does not absolve a property owner of the above responsibilities and shall not be construed as an approval to violate any codes or ordinances of the City of Belle Plaine. (Ord. 12-04, Section 1205.07, Adopted September 17, 2012.)

1205.08 OTHER.

SUBD. 1. PLANTING, GATEWAYS, ENTRANCES. The planting of trees, the type and spacing on public property will be subject to the regulations of the City Council. No planting, gateways, entrances and similar improvements may be made on public property except with permission and approval of the Council.

SUBD. 2. SIDEWALKS/PEDESTRIAN WAYS. In those cases where the City Council deems it appropriate and as designated by the Comprehensive Plan, sidewalks of not less than five (5) feet in width shall be provided. Where a proposed plat abuts or includes an arterial street, sidewalks of not less than five (5) feet in width shall be provided on both sides of the paved surface, unless a trail is included as designated by the Comprehensive Plan. Where the proposed plat abuts or includes a collector street, sidewalks of not less than five (5) feet in width shall be required on one side of the street. In all cases where sidewalks are provided provisions shall be made for handicapped access.

SUBD. 3. SODDING. One row of good quality, weed-free sod shall be installed in the boulevard adjacent to the curb. If a sidewalk is located in the front of the lot the developer will be responsible for sodding the boulevard between the sidewalk and the curb before a Certificate of Occupancy will be issued. All drainage swales shall be graded and sodded with a good quality seed approved by the Public Works Superintendent.

SUBD. 4. TREES. The developer will provide the City with an escrow amount based on the number of lots in the subdivision to provide for future planting of trees. The City will provide the homeowners with a certificate to obtain trees for planting in the yard. One tree having a trunk diameter (measure 12 inches above the ground) of not less than one and one-half inches (1 ½") shall be planted in a naturalistic way in the front yard of each lot in the subdivision, except corner lots shall have two (2) trees. They shall be accepted by the City only after one growing season as a live and healthy plant. Trees shall not be allowed to be planted in the boulevard area. Variance from this procedure requires written approval by the City Planner.

SUBD. 5. TRUNK AREA CHARGES. All unplatted land, shall be charged Water, Sanitary Sewer, and Storm Sewer Trunk Area Charges calculated in the manner set forth in the City of Belle Plaine Special Assessment Policies and Procedures for Public Improvements. The charges will be set in the annual fee schedule during the first City Council meeting in January of each year.

SUBD 6. ADMINISTRATION FEE. All new plats shall be charged an administration fee of 1.5% of the total construction cost for public improvements for the reimbursement of staff time.

Section 1206.00 REQUIRED IMPROVEMENTS

- 1206.01 Developers Agreement.
- 1206.02 Participation by the City.
- 1206.03 Inspection.
- 1206.04 As-Built Drawings.

1206.01 DEVELOPER'S AGREEMENT. After the Council approves a final plat, the subdivider/owner/developer shall execute a developer's agreement for the new subdivision which contains satisfactory assurance that he/she will provide the following improvements at his/her expense. The owner or subdivider, shall deposit with the City an amount agreed to in the development agreement, either in cash or a letter of credit.

SUBD. 1 GENERAL IMPROVEMENTS.

- A. Monuments at all lot corners, block corners, angle points, points of curves and streets and at intermediate points as required by the City Engineer.
- B. All streets graded and surfaced in accordance with applicable standard specifications of the City, and subject to inspection and approval by the City Engineer.
- C. Concrete curbs, gutters, drainage, and drainage structures in accordance with standards of the City, and subject to the inspection and approval of the City Engineer.
- D. Drain tiles placed behind the curb for all lots to provide adequate sump pump access to homes.
- E. Street name signs at all street intersections within or abutting the subdivision of a type approved by the City and placed in accordance with the standards of the City. Note the City may elect to order and place the street signs and charge said expense to developer.
- F. Installation of sanitary sewer and water mains including extension of both to the extremities of the property being platted.
- G. Connection of each lot to public sanitary sewer subject to the approval of the City Engineer.
- H. Water mains and service connections, sufficient to serve all lots in the subdivision, stubbed to the property line.
- I. Provisions shall be made for the proper drainage of all streets through the installation of adequately designated culverts, storm sewers, retention ponds, etc., and the installation thereof shall be considered part of the essential street construction requirements. The developer will be responsible for the first cleaning of the stormwater ponds, and will not be maintained by the City until approved by the City Engineer and Public Works Superintendent.
- J. Provisions shall be made for the installation of sidewalks or trails at locations designated by the City.
- K. Decorative street lighting with underground wiring in accordance with the City

specifications.

L. Plans for final grading and planting of appropriate ground cover on vacant lots may be required of the subdivider as a condition of City acceptance of the public improvements identified in this Section.

M. Franchised and public utilities including telephone, cable TV, electric, and gas service lines are to be placed underground. Conduits, pipes or cables shall be placed within easements or in rights-of-ways adjacent to streets in such manner as not to conflict with other underground services.

N. Every buildable lot shall be identified by a sign that indicates the lot and block number, and is approved by City staff prior to issuing any building permits. These signs can be removed as lots are developed.

O. All streets shall be sealcoated according to City approved standards, two (2) years after the final wear paving is applied.

P. Developer shall fee civil defense sire fee as set by Section 108 of this Code for newly developed land outside of the original plat of the City of Belle Plaine. .

1206.02 PARTICIPATION BY THE CITY. The City may elect to install any, all, or none of the required improvements subject to a cash escrow agreement or other financial arrangement with the subdivider. The terms of these arrangements shall be specified in the developer's agreement.

1206.03 INSPECTION. All required improvements shall be inspected by the City Engineer during construction at the expense of the subdivider. The contract shall contain a provision for supervision of details of construction by the City Engineer and shall grant to the Engineer the authority to correlate the work to be done under such contract by any subcontractor authorized to proceed thereunder with any other work being done or contracted by the City in the vicinity.

1206.04 AS-BUILT DRAWINGS. Upon completion of the project, as-built drawings of all improvements shall be filed with the Public Works Superintendent. Such as-built drawings shall show the date of construction and shall be drawn in such a manner and on such materials to meet the standards of the City. As-built drawings must be completed and filed with the Public Works Superintendent within one hundred and twenty (120) days of the completion of such improvements. If as-built drawings are not filed within the time period specified, the City Engineer may be authorized to conduct surveys and complete drawings, with all of the costs pursuant thereto to be paid by the owner, and the City Council may elect to withhold building permits for construction within the subdivision.

Section 1207.00 MINOR SUBDIVISIONS.

1207.01 Minor Subdivisions/Waiver of Subdivision Platting Requirements.

1207.01. MINOR SUBDIVISIONS/WAIVER OF SUBDIVISION PLATTING REQUIREMENTS.

SUBD. 1. APPLICATION. Minor Subdivisions shall apply to the following applications:

- A. In the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot.
- B. In the case of a request to divide a lot from a larger tract of land and thereby creating no more than two (2) lots. To qualify, the parcels of land shall not have been part of a minor subdivision within the last five (5) years.
- C. In the case of a request to divide a base lot upon which a two-family dwelling, townhouse, or a quadraminium which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Ordinance.

SUBD. 2. CONTENTS AND DATA REQUIRED.

- A. CERTIFICATE OF SURVEY: The requested minor division shall be prepared by a registered land surveyor in the form of a Certificate of Survey. Said survey shall contain a legal description for the parcels to be created. Ten (10) copies of the survey shall be submitted to the City Planner not less than two (2) weeks prior to the next Planning and Zoning meeting.
- B. PROPERTY DESCRIPTION AND SUBMISSION INFORMATION: The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as described in Section 1204.02. of this Ordinance. Exceptions, as stipulated in writing, may be granted by the City Administrator.

SUBD. 3. DESIGN STANDARDS.

- A. The minor subdivision shall conform to all design standards as specified in Section 1205 of this Ordinance. Any proposed deviation from said standards shall require the processing of a variance request.

SUBD. 4. PROCESSING.

- A. If the land division involves property which has been previously platted, or the total property area included is greater than ten (10) acres, the City Administrator may approve the subdivision, provided that it complies with applicable provisions of this Ordinance.
- B. In the case of applications involving property not previously platted, and is property less than ten (10) acres in total area, applicable processing provisions of Section 5

shall be followed.

SUBD. 5. FILING. Upon execution of the Council's resolution approving the petition for a minor subdivision, the City Administrator or Community Development Director shall be authorized to stamp and sign the deed or registered land survey as meeting the requirements of the City. The survey or deed shall be filed and recorded at the Office of the County Recorder within thirty (30) days of approval.

Section 1208.00 PREMATURE SUBDIVISIONS

1208.01 Purpose

1208.02 Conditions Establishing Premature Subdivisions

1208.03 Burden of Establishing

1208.01 PURPOSE. Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

1208.02 CONDITIONS ESTABLISHING PREMATURE SUBDIVISIONS. A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist.

SUBD. 1. LACK OF ADEQUATE DRAINAGE. A condition of inadequate drainage shall be deemed to exist if:

A. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.

B. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.

C. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.

D. Factors to be considered in making these determinations may include, but are not limited to:

3. Average rainfall for the area.
4. The relation of the land to floodplains.
5. The nature of soils and subsoil's and their ability to adequately support surface water runoff and waste disposal systems.
6. The slope of the land and its effect on effluents.
7. The presence of streams as related to effluent disposal.

SUBD 2. LACK OF ADEQUATE WATER SUPPLY. A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision, if developed to its maximum permissible density, does not have adequate sources of water to serve the proposed subdivision without causing an unreasonable depreciation of existing water supplies for surrounding areas.

SUBD 3. LACK OF ADEQUATE STREETS OR HIGHWAY TO SERVE THE SUBDIVISION. A proposed subdivision shall be deemed to lack adequate streets or highways to serve the subdivision when:

- A. Streets which currently serve the proposed subdivision and/or streets that are proposed to serve the subdivision are of such a width, grade, stability, site distance and surface conditions that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare and, when with due regard to the advice of the county or state, said roads are inadequate for the intended use.

- B. The traffic volume generated by the proposed subdivision as calculated by the City Engineer and subject to generally accepted generation computation formulas and design standards would create unreasonable highway congestion at the time of the application or proposed for completion within the next two (2) years.

SUBD. 4. LACK OF ADEQUATE WASTE DISPOSAL SYSTEMS. A proposed subdivision shall be deemed to lack adequate waste disposal systems if there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five (5) years. Expected wastewater generation rates applicable to a proposed subdivision shall be based on generally accepted generation computation formulas as assigned by the City Engineer.

SUBD. 5. LACK OF ADEQUATE CITY SUPPORT FACILITIES. A proposed subdivision shall be deemed to lack adequate support facilities, such as parks and recreational facilities and police, fire, and ambulance protection and services when said support facilities are reasonably expected to be necessitated by the subdivision and can not be reasonably provided for within the next five (5) fiscal years.

SUBD. 6. INCONSISTENCY WITH THE COMPREHENSIVE PLAN. A proposed subdivision shall be deemed premature if it is found to be inconsistent with the purposes, objective, and recommendations of the duly adopted Comprehensive Plan of the City of Belle Plaine, as may be amended from time to time.

SUBD. 7. INCONSISTENCY WITH ENVIRONMENTAL PROTECTION POLICIES. A proposed subdivision shall be deemed premature if it is found to be inconsistent with environmental protection policies set forth within the city, state and federal rules and regulations, as may be amended.

1208.03 BURDEN OF ESTABLISHING. The burden shall be upon the applicant to show that the proposed subdivision is not premature.

Section 1209.00 VARIANCES/WAIVERS

1209.01 Variances/Waivers.

1209.01. VARIANCES/WAIVERS. SUBD. 1. VARIANCES. When necessary, the Council upon recommendation by the Planning and Zoning Commission, may authorize variances to the requirements of this Ordinance (not procedural provisions). Such variances shall be requested by the subdivider in writing at the time of the application for preliminary plat approval, and the grounds for such variances shall be stated by the applicant. A variance may be granted only if the Planning and Zoning Commission and the Council find that all of the following factors pertain thereto:

- A. That there are special circumstances or conditions affecting the property that are not common to all other properties in the area.
- B. That the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other properties of the same vicinity, and that extraordinary hardship would result from strict compliance with these regulations because of special circumstances or conditions affecting the property.
- C. That the granting of a variance will not be detrimental to the public health, safety or public welfare nor injurious to other property in the vicinity of the property involved. In granting a variance, both the Planning Commission and the Council shall make a written record of the findings of fact in connection therewith.
- D. That the special conditions and circumstances causing the undue hardship do not result from the actions of the applicant.

SUBD. 2. WAIVERS. The Council may waive compliance with any of the provisions of this ordinance by adoption of a Resolution specifying which provisions have been waived after review of the application by the Planning and Zoning Commission in any case.

- A. In which compliance will involve an unnecessary hardship and where failure to comply does not interfere with the purpose of this article; or
- B. Where an improved plat can be achieved by a deviation from the provisions of this chapter.
- C. There is a 4/5 or greater vote (super majority) to approve the waiver(s).

Section 1210.00 OFFICIAL MAPS.

- 1210.01 Purpose.
- 1210.02 Initiation of Proceedings.
- 1210.03 Reference to Planning Commission.
- 1210.04 Notice and Hearing.
- 1210.05 Preparation and Filing of Maps.
- 1210.06 Effect.
- 1210.07 Appeals.

1210.01 PURPOSE. Land that is needed for future street purposes and as sites for other necessary public facilities and services is frequently diverted to non-public uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish. It is the purpose of this Ordinance to provide a uniform procedure for the proper use of official maps as authorized by the Minnesota Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.36.

1210.02 INITIATION OF PROCEEDINGS. Proceedings for adoption, amendment or repeal of an official map or any part thereof may be initiated by (1) the City's City Planner, (2) a recommendation of the Planning Commission; or (3) action by the City Council.

1210.03 REFERENCE TO PLANNING COMMISSION. Every proposed official map or change in a map shall be referred to the Planning Commission for review and recommendation. Such recommendation shall be submitted to the City Council within forty-five (45) days after reference to the Planning Commission, along with the report of the Commission on the effect of the proposal on the comprehensive plan of the City. If no recommendation is received by the Council from the Planning Commission within forty-five (45) days after reference of the proposal to the Commission by the Council, the Council may take such action as it may deem proper upon the proposal without further action by the Planning Commission.

1210.04 NOTICE AND HEARING.

SUBD. 1. NOTICE. Upon receiving the recommendation of the Planning Commission or after forty-five (45) days from the submission of the proposal to the Planning Commission without a recommendation from the Commission, the Council shall call a public hearing on the proposal. A notice of the time, place and purpose of the hearing and a description of the property to be included in the mapped streets and public grounds shall be published in the official newspaper at least ten (10) days prior to the date of the hearing. At least ten (10) days prior to the hearing, notice shall be sent to each owner of land situated within or abutting any street or other public ground shown on the official map. Failure to serve any such notice shall not invalidate the proceedings.

SUBD. 2. HEARING. At the time and place specified in the notice, the Council shall hear evidence and arguments concerning the proposal.

1210.05 PREPARATION AND FILING OF MAPS. The official map or maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall be made prior to the preparation of the

final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested by a licensed land surveyor. After enactment of any ordinance adopting an official map or amending or repealing a previous official map ordinance, a certified copy of the official map or section to which the ordinance related together with an attached copy of the Ordinance shall be filed with the County Recorder.

1210.06 EFFECT. After an official map has been adopted and filed, the issuance of building permits and requests for rezoning by the City shall be subject to the provision of this Ordinance. The City shall deny every application for a permit to construct a new building or structure, or expand an existing building or structure, or any request for rezoning within any area designated on the official map for street or other public purposes. Whenever any street or highway is widened or improved or any new street is opened, or any interest in lands for other public purposes is acquired by the City, the City is not required in such proceedings to pay for any building or structure placed without a permit or in violation or conditions of a permit within the limits of the mapped street or outside any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the City any right, title or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the City to acquire such interest without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.

1210.07. APPEALS. Whenever a building permit or request for rezoning is denied pursuant to this Ordinance, the Board of Appeals, per Chapter 1103.04, shall, upon appeal filed with it by the owner of the land, grant a permit for building or request for rezoning in an area designated on the official map for a street or other public purpose in any case in which the Board finds, upon evidence and arguments presented to it, (a) that the entire property of the appellant of which the area designated for public purposes forms a part cannot yield a reasonable return to the owner unless such a permit is granted, or (b) that balancing the interest of the City in preserving the integrity of the official map and of the comprehensive land use plan and the interest of the property owner in the use of his/her property and in the benefits of ownership, the granting of such a permit is required by considerations of justice and equity. The Board of Appeals shall hold a public hearing upon the appeal after notice of the hearing has been published in the official newspaper once at least ten (10) days before the hearing. If the Board authorizes the issuance of a permit or request for rezoning, it shall specify the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted. Authorization of issuance of the building permit or rezoning shall not be construed as issuance of any other permit needed, such a conditional use permit. If the Board authorizes issuance of a permit or rezoning, the Council or other Board or Commission having jurisdiction shall have six (6) months from the date of the decision of the Board to institute proceeding to acquire such land or interest therein, and if no such proceedings are started within that time, the City shall issue the permit or rezoning, if the application otherwise conforms to local ordinances.

Section 1211.00 COMPLIANCE/ENFORCEMENT.

- 1211.01 Compliance/Enforcement.
- 1211.02 Violations and Penalty.

1211.01 COMPLIANCE/ENFORCEMENT.

SUBD. 1. CONDITIONS FOR RECORDING. No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.

SUBD. 2. BUILDING PERMITS. No building permits will 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.

1211.02 VIOLATIONS AND PENALTY.

SUBD. 1. SALE OF LOTS FROM UNRECORDED PLATS. It is unlawful for any person to sell, trade or otherwise convey or offer to sell, trade 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 Scott County Recorder or waived as provided for in Section 1203.00 of this Ordinance.

SUBD. 2. RECEIVING OR RECORDING UNAPPROVED PLATS. It is unlawful for any person to receive or record in any public office any plans, plats or replats of land laid out in building lots and street rights-of-way, 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 City, unless the same shall bear thereon, by endorsement or otherwise, the review of the Planning and Zoning Commission and the approval of the City Council or waived as provided for in Section 1203 of this Ordinance.

SUBD. 3. MISREPRESENTATION AS TO CONSTRUCTION, SUPERVISION OR INSPECTION OF IMPROVEMENTS. It is unlawful for any person, owning an addition or subdivision of land within the City, to represent that any improvements upon any of the street rights-of-way, alley or avenues of said addition or subdivision, or any utility in said addition or subdivision have been constructed according to the plans and specifications approved by the City Council, or have been supervised or inspected by the City, when such improvements have not been so constructed, supervised, or inspected.

SUBD. 4. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this ordinance when he/she 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.

Section 1212.00 VALIDITY.

1212.01 Validity.

1212.01 VALIDITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance shall not affect the application of the provisions to other person or circumstances.

Section 1213.00 REPEAL.

1213.01 Repeal.

1212.01 REPEAL. All ordinances previously in effect pertaining to the subdivision or platting of land within the City are hereby repealed.

(Ord. 03-18, Chapter 12, Adopted November 3, 2003.)

(Ord. 11-09, Sections 1202, 1205.06, Adopted September 19, 2011).

(Ord. 11-11, Sections 1107.21, 1109.08, 1205.07, Adopted December 5, 2011.)

(Ord. 12-04, Section 1205.07, Adopted September 17, 2012.)

(Ord. 18-06, Section 1204.03, Subd. 2 €, Adopted November 19, 2018.)