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**CHAPTER 10**

## **SUBDIVISION REGULATIONS PLATTING**

### **SECTION 10.01. PURPOSE AND JURISDICTION.**

#### **Subdivision 1. Purpose.**

In order to safeguard the best interests of the City and to assist in harmonizing the subdivider's interests with those of the City at large, this Chapter is adopted in order that adherence to same will bring results beneficial to both parties. Each new subdivision becomes a permanent unit in the basic physical structure of the community, a unit to which the community will be forced to adhere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome community environment, adequate public services, and safe streets, all subdivisions hereafter submitted for approval to the City Council, shall in all respects, fully comply with the regulations hereinafter set forth in this Chapter.

#### **Subdivision 2. Jurisdiction.**

The regulations herein governing plots and subdivision of lands shall apply within the corporate limits of the City and the unincorporated area within two miles of its limits; provided that where a municipality lies less than four miles from the limits of Westbrook these regulations shall apply only to a line equidistant from Westbrook and said municipality; and provided further, that the governing body or bodies of unincorporated areas adjacent to the City have not adopted ordinances for the regulation of subdivision of land or platting.

#### **Subdivision 3. Application of Chapter..**

Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this Chapter, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Division of land: into parcels, tracts, lots, or other divisions of land 20 acres or larger in size and 500 feet or more in width for residential uses, and 5 acres or larger in size for commercial and industrial uses, into cemetery lots, and resulting from court order or the adjustment of a lot line by the relocation of a common boundary shall be exempt from the requirements of this Chapter.

#### **Subdivision 4. Approvals Necessary for Acceptance of Subdivision Plats.**

Before any plat shall be recorded or be of any validity, it shall have been reviewed by the Zoning Administrator and approved by the Council, as having fulfilled the requirements of this Chapter.

## SECTION 10.02. DEFINITIONS.

The following terms, as used in this Chapter, shall have the meanings stated:

1. "Alley" - A public right-of-way which affords a secondary means of access to abutting property.
2. "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 a combination of the above with a river or lake.
3. "Cluster Development" - A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas.
4. "Design Standards" - The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.
5. "Easement" - A grant by a property owner of the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, storm sewer or storm drainage ways and gas lines.
6. "Final Plat" - A drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by the County for purposes of recording.
7. "Group Housing" - A housing project consisting of a group of five or more buildings constructed on a parcel of land three (3) acres or more in size.
8. "Land Use Plan" - The plan for the orderly growth of the City, as adopted and amended from time to time by the Planning Commission and the Council.
9. "Lot" - A portion of a subdivision marked as a numbered or lettered parcel of land and available for title transfer by use of such number or letter for identification; or any tract where the title has been transferred by metes and bounds description and duly recorded in the office of the County Recorder or in the office of the Registrar of Titles for the County.
10. "Lot, Front" - That part of a lot lying along the abutting street. For corner lots abutting two streets, the front yard shall be that portion fronting onto the highest class street, except the sub-divider may select an alternative by providing that such corner lot be given a width of not less than 115% of what is otherwise required by this Chapter.

11. "Parks and Playgrounds" - Public lands and open spaces in the City dedicated or reserved for and usable for recreation purposes.
12. "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 which may be used for the installation of utility lines.
13. "Percentage of Grade" - On street center line means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.
14. "Preliminary Plat" - A tentative drawing or map of a proposed subdivision, meeting requirements herein enumerated.
15. "Protective Covenants" - Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
16. "Street" - A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.
17. "Street - Half" - Street divided longitudinally in which right-of-way widths are below minimum standards as prescribed in this Chapter.
18. "Street - Thoroughfare/Arterial" - Those used primarily for heavy traffic, and serving as an arterial traffic-way between the various districts of the community, as shown in the City Land Use Plan.
19. "Street - Collector" - Those that carry traffic from minor streets to the major system or arterial streets and highways, including the principal entrance streets of residential neighborhoods.
20. "Street – Minor" - Those which are used primarily for access to abutting properties.
21. "Street - Marginal Access" - Minor streets which are parallel and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
22. "Street – Cul-de-sac" - A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

23. "Street Width" - The shortest distance between lines of lots delineating the street right-of-way.

24. "Sub-divider" - The owner, agent, or person having control of such land as the term is used in this Chapter.

25. "Subdivision" - A described tract of land under single ownership which is divided into two or more lots, parcels, tracts, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use of any combination thereof; for the purpose of transfer of ownership or development, except those separations:

- A. Where all resulting lots, parcels, tracts, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and 5 acres or larger in size for commercial and industrial uses;
- B. Creating cemetery lots;
- C. Resulting from Court order, or the adjustment of a lot line by the relocation of a common boundary.

The term includes re-subdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

26. "Tangent" - A straight line projected from the ends of two curves, which is perpendicular to a line in each curve drawn from the radii point to the end of the curve.

27. "Tract of Land" - For the purposes of this Chapter, a tract of land is a parcel of ground which a subdivider desires to subdivide, constituting one of the following:

- A. A 40 acre tract which is a quarter of a quarter section of land;
- B. A platted lot per a duly recorded plat which is on record in the office of the County Recorder or in the office of the Registrar of Titles for the County; or,
- C. A metes and bounds description which has been of record prior to the enactment of this Chapter.

28. "Vertical Curve" - The surface curvature on a street center line located between lines of different percentage of grade.

(Sections 10.03 through 10.09, inclusive, reserved for future expansion.)

## **SECTION 10.10. REGULATIONS AND STANDARDS.**

### **Subdivision 1. Application of Regulations.**

Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this Chapter shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale or of development, whether immediate or future, including the resubdivision or replatting of land or lots. Division of land into lots, parcels, tracts, or other division of land for: residential uses 20 acres or larger in size and 500 feet or more in width; commercial or industrial uses 5 acres or larger in size; cemetery lots, or resulting from a Court order or the adjustment of a lot line by the relocation of a common boundary, shall be exempt from the requirements of this Chapter.

### **Subdivision 2. Approvals Necessary for Acceptance of Subdivision Plats.**

Before any plat shall be recorded or be of any validity, it shall have been approved by the City Council having fulfilled the requirements of this Chapter.

### **Subdivision 3. Preliminary Plat.**

- A. Procedure. Before preparing a preliminary plat and submitting it to the City Council for approval, the subdivider or a duly authorized representative shall meet informally with the City Council to discuss the requirements which pertain to the proposed subdivision. The City Council will review, discuss, and advise the subdivider of the extent to which the proposed subdivision conforms to this and other City Code provisions as well as how it conforms to the City Land Use Plan. The City Council and Zoning Administrator shall make specific recommendations and comments to be incorporated by the subdivider in the preliminary plat. This informal review would prevent unnecessary and costly revisions in the layout and development of the subdivision. Formal application or filing of a plat within the City is not required for this informal advisory meeting.
  1. After preparation of the preliminary plat, the subdivider shall submit to the City Council, four (4) copies of the preliminary plat. The Zoning Administrator shall distribute copies of the preliminary plat to the City Council, and the County Engineer if adjacent to a County road for their examination. These parties shall, within thirty (30) days, submit reports to the City Council, expressing whether or not all concerned provisions of this Chapter or applicable regulations have been met. If no report is received

within that time, it will be assumed by the City Council that there are no objections to the preliminary plat as submitted.

2. At the first meeting following receipt of the above reports, the City Council shall determine whether or not to forward the preliminary plat for review.
3. Upon review by City department heads, the copy of the preliminary plat together with all comments and suggested revisions shall be referred to the City Council for a public hearing. The City shall notify the subdivider by certified mail of the time and place of the public hearing not less than five (5) days before the date fixed for the hearing. Similar notices shall be mailed to the owners of the land immediately adjoining the area to be subdivided as shown on the preliminary plat. Time and place shall be published at least once in the official newspaper at least ten (10) days prior to the hearing. The publication shall include a description of the location of the proposed subdivision. Failure of the City Council to act on the preliminary plat within sixty (60) days shall be deemed a recommendation of approval of the plat. If a plat is recommended for disapproval, reasons for such disapproval must be stated in writing. If approval, subject to modifications is recommended, the nature of the required modifications shall be indicated in writing.
4. Approval or disapproval of the preliminary plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the Council at which said plat was considered. In case the plat is disapproved, the subdivider shall be notified in writing of the reason for such action and what requirements will be necessary for approval.

B. Data Required. The preliminary plat shall contain the following information:

1. Proposed Name of Subdivision. Names shall not duplicate or too closely resemble names of existing subdivisions.
2. Location of boundary lines in relation to adjacent streets, subdivision, section, quarter section or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property.
3. Names and addresses of the developer and the designer making the plat.

4. Scale of plat, not less than one (1) inch to one hundred (100) feet.
5. Date and north point.
6. Existing conditions.
  - (a) The location and width of proposed streets, roadways, alleys and easements.
  - (b) The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines.
  - (c) Layout, numbers and approximate dimensions of lots and the number or letter of each block.
  - (d) Location and size of proposed parks, playgrounds, 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 condition of such dedication or reservation.
  - (e) Building setback lines with dimensions in accordance with the applicable zoning provisions.
  - (f) Indications of any lots on which a use other than residential is proposed by the subdivider.
  - (g) The zoning district, if any, on and adjacent to the tract.

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

1. Topography with contour intervals of not more than five (5) feet related to United States Geological Survey datum; also the location of water courses, ravines, bridges, lakes, wooded areas, approximate acreage and other such features as may be pertinent to the subdivision.
2. A copy of the profile for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line. The location of proposed culverts and bridges shall also be shown.



3. Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings.

**Subdivision 4. Final Plat.**

- A. Procedure. After the preliminary plat has been approved, the final plat may be submitted for approval as follows:
  1. The final plat shall be submitted to the City Council at least ten (10) days prior to a City Council meeting at which consideration is requested. Approval or disapproval of the final plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the City Council at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the City Council.
  2. If accepted, the final plat shall provide for the acceptance of all streets, roads, easements, or other public ways and open spaces dedicated to public purposes. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person applying for such approval.
- B. Data Required. The final plat prepared for recording purposes shall be prepared in accordance with the provisions of Minnesota Statutes and shall contain the following information:
  1. Name of subdivision (not to duplicate or too closely approximate the name of any existing subdivision).
  2. Location by quarter section, section, township, range, County and State, and including descriptive boundaries of the subdivision based on accurate traverse, giving angular and linear dimensions which must be mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in five thousand (5,000). Two reference control points shall be established on each plat.
  3. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the

boundary of the subdivision. A permanent marker shall be a one-half (1/2) inch steel rod extending at least three (3) feet below the finished or acceptable grade for lot corners and a concrete monument in accordance with Minnesota Department of Transportation standards for block corners. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter and every platted lot shall be marked with at least two (2) permanent monuments.

4. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
5. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
6. The exact location, widths and names of all streets to be dedicated.
7. Location and width of all easements to be dedicated.
8. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
9. Name and address of developer and surveyor making the plat.
10. Scale of plat (the scale to be shown graphically and in feet per inch), date and north point.
11. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements".
12. Statement dedicating all streets, roads, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

- C. Certifications Required on Final Plats.
  - 1. 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.
  - 2. The plat must be completed according to State law.
  - 3. Space for certificates of approval to be filled in by the signatures of the Chairman of the Planning Commission and the appropriate official.

**Subdivision 5. Design Standards.**

- A. Blocks. Block lengths shall normally not exceed thirteen hundred twenty (1,320) feet.
- B. Public Sites and Open Spaces. In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public or semi-public recreational areas or open spaces. The subdivider will be expected to dedicate or otherwise provide one acre for every ten acres of residential land subdivided. The areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan. All areas to be reserved or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be received by the City or other public body.
- C. Streets and Roads.
  - 1. Streets normally shall connect with streets already dedicated or provide for future connections to adjoining unsubdivided tracts.
  - 2. Cul-de-sacs may be permitted when conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred (500) feet in length, including the terminal turn-around. The required terminal shall be nearly circular in shape and have a minimum diameter of one hundred (100) feet.
  - 3. The minimum angle of intersection of streets shall be eighty (80) degrees.
  - 4. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a County, County State Aid, State or Federal highway, a marginal access service street approximately parallel

and adjacent to the boundary of such right-of-way may be required.

5. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision.
6. 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 unsubdivided portion may be required.
7. For all public streets and roads hereafter dedicated and accepted, the right-of-way widths shall not be less than the minimum dimensions for each classification as follows:

Highway	100 feet
Thoroughfare/Arterial	80 feet
Minor/Collector	70 feet
Marginal Access Service Road	50 feet
Alley	20 feet
Pedestrian Way	10 feet

8. Minor street access to State and Federal highways shall not be permitted at intervals of less than six hundred (600) feet.
9. Street grades, wherever feasible, shall not exceed seven (7) percent and in no case shall be less than 0.5 percent.
10. Different connecting street gradients shall be connected with vertical parabolic curves. The minimum length of these curves, in feet shall be 15 times the algebraic difference in the percent of grades of the two adjacent slopes for collector streets. For minor streets the minimum length shall be 7-1/2 times the algebraic difference in the percent of grade of the two adjacent slopes.

D. Lots.

1. Corner lots shall have additional width to permit appropriate building setback from both streets.
2. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
3. All single family residential lots shall have a minimum of 10,000 square feet and shall have a minimum width of 75 feet at the required setback line.

E. Basic Improvements Required.

1. Except as provided elsewhere in this Chapter, all improvements required shall be paid for by the developer or owner.
2. The following minimum standards for improvements are established:
  - (a) The full width of the right-of-way shall be graded, including the sub-grade of the areas to be paved.
  - (b) All streets shall be improved with a surface in accordance with the standards and specifications for construction as approved by the Council.
  - (c) All streets to be surfaced shall be of an overall width in accordance with standards and specifications for construction as approved by the Council.
  - (d) Curb and gutter will be required before streets will be paved. Alleys do not require curbing except for drainage purposes.
  - (e) Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where, in the opinion of the City Engineer, they are necessary to insure adequate storm water drainage for the subdivision.
3. Sanitary sewers shall be installed to serve all developable properties in the subdivision.
4. Storm sewers shall be constructed to serve all properties in the subdivision where a natural outlet is available or where a connection to the City storm sewer system is available at or near the boundary of the subdivision.
5. If approved by the Council, both storm and sanitary sewers may be installed under contract by the City after petition for the same by the owner. The cost shall be assessed against all lots in the subdivision over a period of not to exceed ten (10) years.
6. All sewer construction must conform to standards and specifications as may be established by the Director of Public Works.

7. Water distribution mains, including fire hydrants, shall be installed to serve all properties in the subdivision where a connection is available at or reasonably near the boundary of the subdivision.
8. All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.
9. Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with underground services. All drainage and other underground utility installations which traverse publicly owned property shall be protected by easements.

F. Easements. Where appropriate, easements for utilities or drainage may be required. Easements shall be of a width suitable for the intended uses.

Subd. 6. Minor Subdivision/Waiver of Platting Requirement

A. Application. Minor subdivisions shall apply to the following applications:

1. In the case of a request to permit the adding of a parcel of land to an abutting lot.
2. In the case of a request to divide a larger tract of land thereby creating no more than two lots. To qualify, the parcels of land shall not have been part of a Minor Subdivision within the last five (5) years.
3. In the case of a request to divide a base lot upon which a two family dwelling or townhouse, which is 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.

B. Contents and Data Required:

1. Certificate of Survey. The requested Minor Subdivision shall be prepared by a licensed land surveyor in the form of a Certificate of Survey. The Survey shall include:
  - a. Date and north arrow.
  - b. Scale of plat.
  - c. Name and addresses of those making application.
  - d. Lot sizes in square feet, prior to and after the proposed split.
  - e. Existing buildings and setbacks from proposed lot lines.
  - f. Legal descriptions for the parcels to be created.

- g. Streets and easements.
- h. Zoning of all affected parcels.

C. Procedure for Minor Subdivision:

1. Filing. Four 11” by 17” copies of the certificate of survey, prepared by a licensed land surveyor shall be filed with the City Council at least fourteen days prior to the regular City Council meeting, at which time the Minor Subdivision is to be considered, along with the required application and information.
2. Notification. The Minor Subdivision application shall be referred to the City Council for a public hearing. The City shall notify the applicant of the date and time of the Council meeting at which the proposed minor subdivision will be considered . Notices shall be mailed to the owners of the land immediately adjoining the area to be subdivided as shown on the plat at least ten (10) days prior to the public hearing.

Action by the City Council. The City Council shall consider the Minor Subdivision together with the reports from City staff and others, and compliance with City Code. Failure of the City Council to act within sixty (60) days shall be deemed a recommendation of approval. If a plat is recommended for disapproval, reasons for such disapproval must be stated in writing. If approval, subject to modifications, is recommended, the nature of the required modifications shall be indicated in writing.

D. Design Standards.

The Minor Subdivision shall conform to all design standards as specified in Chapter 9, and this Chapter. Any proposed deviation from said standards shall require an application for a variance as governed by such Chapters..

E. Filing.

Upon execution of the Council’s resolution approving the petition for a minor subdivision, the Zoning Administrator shall be authorized to sign the deed or registered land survey as meeting the requirements of the City. The Certificate of Survey or Registered Land Survey shall be filed by the applicant and recorded at the Office of the County Recorder.

F. Building Permits.

No building permits shall be issued 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 ordinance have been fully met.

(Sections 10.11 through 10.19, inclusive, reserved for future expansion.)

**SECTION 10.20. VARIANCES.**

**Subdivision 1. General.**

- A. The Council may grant a variance from these regulations following a finding that all of the following conditions exist:
1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Chapter would deprive reasonable use of the applicant's land.
  2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
  3. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
- B. In making this finding the Council shall consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. In granting a variance as herein provided the Council shall prescribe only conditions that it deems desirable or necessary to the public interest.

**Subdivision 2. Special Application Requirements.**

Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the City Council, stating fully and clearly all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the City Council in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. In all cases where applications for variance are submitted for conditional approval along with the preliminary plat, the action on such conditional approval shall issue from the Council. Where a



petition for variance is not involved, the City Council may grant conditional approval subject to procedural requirements stated in this Chapter.

## **SECTION 10.21. LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS.**

### **Subdivision 1. Land Surveys.**

It is the intention of this Chapter that all registered land surveys in the jurisdictional limits shall be presented to the City Council in the form of a preliminary plat in accordance with the standards set forth in this Chapter for preliminary plat . Unless such City Council approval in accordance with the standards set forth in this Chapter have been obtained, building permits will be withheld for buildings on tracts which have been so subdivided according to law and the City may refuse to take over tracts as streets or roads; or to improve, repair or maintain any such tracts unless so approved.

### **Subdivision 2. Conveyance by Metes and Bounds.**

No conveyance of two or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are less than twenty (20) acres in area and five hundred (500) feet in width for residential uses or five (5) acres for commercial or industrial uses, unless such parcel was a separate parcel of record at the effective date of this Chapter. Building permits will be withheld for buildings on tracts which have been subdivided and conveyed by this method and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

## **SECTION 10.22. COMPLIANCE.**

### **Subdivision 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.

### **Subdivision 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.

**SECTION 10.23. UNLAWFUL ACTS.**

**Subdivision 1.**

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 portion of the City unless said plan, plat or replat shall have first been recorded in the office of the County Recorder.

**Subdivision 2.**

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 streets, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on, or adjacent thereto, and located within the jurisdiction of this Chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council

(Sections 10.24 through 10.98, inclusive, reserved for future expansion.)

**SECTION 10.99. VIOLATION A MISDEMEANOR.**

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