

CHAPTER 15: SUBDIVISION CONTROL

SECTION 1510 – PLATTING PROCEDURES

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1510.01. PLATTING PROCEDURES.

The following procedures shall be followed in the administration of this section and no real property or conveyance of land within the jurisdiction of this section shall be subdivided and offered for sale, transferred or conveyed, or a plat recorded contrary to the provisions of this Code. Failure to comply with these provisions shall result in the City denying the issuance of building permits to any parcel.

1510.02. PRELIMINARY PLATS.

Subd. 1. Pre-application Meeting.

Prior to the submission of any plat for consideration by the Planning Commission, the subdivider shall meet with the City staff to introduce himself/herself as a potential subdivider and learn the relevant requirements of the City's code. The applicants may prepare a sketch plan for discussion purposes prior to preparing a preliminary plat.

Subd. 2. Submission Requirements.

The applicant must submit the following at least ten (10) working days before the next regularly scheduled Planning Commission Meeting:

- A. Six (6) full size copies, not to exceed twenty-four inch by thirty-six inch (24" x 36") in size, of the proposed preliminary plat and fourteen (14) eleven inch by seven inch (11" x 7") copies. All sets must be assembled, collated, stapled, and rolled.
- B. One electronic copy of the proposed preliminary plat to the email address specified by the City.
- C. Supplemental material, necessary to address specific physical conditions of the proposed subdivision as determined by City staff.
- D. The preliminary plat review fee as set forth in the City's fee schedule.

Subd. 3. Plat Requirements.

Each preliminary plat must contain the following information:

A. Existing Conditions.

1. Proposed name of subdivision, which name cannot duplicate the name of any plat recorded in Benton County.
2. Location by section, township, range or other legal description and Benton County Property Identification Number (P.I.N.) of all parcels included with the proposed plat.
3. Names, electronic and postal addresses of the owner(s), subdivider(s) and all persons currently having ownership interest or control of the lands or parcels comprising the proposed plat.
4. Graphic scale, not less than one inch to one hundred feet (1":100'), unless a larger scale is approved by the Zoning Administrator based upon the site size.
5. North point, designated as true north.
6. Date of preparation and any subsequent revisions, including a signature of the person who prepared the drawing, together with any registration number or other professional certificate number or title.
7. Boundary line survey, including measured distances and angles, which must close by latitude and departure with an error of closure not exceeding one (1) foot in five thousand (5,000) feet.
8. Total acreage of the preliminary plat computed to one-hundredth of an acre.
9. Location and names of existing or platted streets, or other public ways, parks, and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one-hundred (100) feet beyond the tract.
10. If the proposed subdivision is a rearrangement or replat of any former plat, the lot and block arrangement of the original plat, along with its original name must be indicated by dotted or dashed lines. Any revised or vacated roadways of the original plat must also be indicated.
11. Location and size of existing paved streets, curbs and curb cuts, driveways, free-standing signs, railroads, sewers, water mains, storm drains, gas mains, electric and telephone lines, utility poles, including utilities stubbed into the property, quarries, gravel pits, culverts, or other underground facilities within the tract and to a distance of one-hundred (100) feet beyond the tract. Also, such data as grades, invert elevations and location of catch basins, personnel access structures and hydrants.
12. Boundary lines of adjoining platted or unplatted land and owners of all tracts within one hundred (100) feet. Adjoining addresses, as shown on the County 911 system.

13. Complete topographical map with contour intervals not greater than two feet, water courses, marshes, wetlands, rock outcrops, and other significant features, all superimposed on at least one (1) print of the preliminary plat. United State Geodetic Survey datum must be used for all topographical mapping. High water elevation and date thereof if parts of plat are wet or have been wet.
14. Floodplain, 100 year Flood elevation and shoreland district boundaries within the proposed plat.
15. The subdivider shall define and shall provide an exhibit prepared by a Civil Engineer showing drainage areas contributing to the preliminary plat and shall show a calculation of existing runoff contributed by storms with a return frequency of 1 year, 2 years, and 100 years.
16. A wetland report completed by a Certified Wetland Scientist if requested by City staff.
17. Report of soil borings and tests, if required by City staff.
18. An Environmental Assessment Worksheet (EAW) when required and subject to the provisions of Minnesota State Statutes.

B. Proposed Features.

1. Layout of streets, showing right-of-way widths and names of streets.
2. Proposed centerline grades of streets and alleys, if any, and a complete set of profiles showing both existing and proposed grade lines.
3. Street and lot grading, including the phasing of grading.
4. Location and widths of alleys, pedestrian ways, sidewalks, trails, and fire lanes.
5. Written description that provides information about the proposed plat including, but not limited to: number of lots, development type, and anticipated completion date.
6. Locations of all easements, including oversize or non-typical easements.
7. Areas other than those mentioned above, intended to be dedicated for public use, including area and dimensions scaled to the nearest foot.
8. Layout, lot outlots, and block numbers, and typical lot dimensions scaled to the nearest foot. Square footage for each lot must be denoted.

C. Other Requirements.

1. An erosion control plan, pursuant to the requirements of this chapter and meeting the requirements of BMP as defined by Minnesota Pollution Control Agency.

2. When eligible, if municipal water and sewer utilities are not available to the proposed subdivision, a utility plan shall be provided, which shall include completed plans, operational arrangements, and financial guarantees. Plans and design conditions for Community Water and Sewer systems shall be prepared in accordance with the requirements of State and Federal regulatory agencies and Ten State Standards for Sewage and Water Works as prepared by Great Lakes – Upper Mississippi River Board.
 - a. Community Sewer and Water Systems shall utilize only proven technologies.
 - b. Community Sewer and Water Systems shall be prepared under the direct supervision of a Minnesota Licensed professional engineer and approved by the City Engineer.
 - c. Community Sewer and Water Systems shall be designed to facilitate connection to the City Sewer and Water utilities in the future.
 - d. Ownership of Community Sewer and Water Systems shall be either private or public. In the event of private ownership, the financial viability of the organization owning the said facilities shall be personally guaranteed by the property owners utilizing said facilities.
3. A tentative plan for future platting, if the proposed plat includes any areas intended for future re-subdivision.
4. A tentative plan for project phasing, if applicable.

Subd. 4. Plat Review Standards.

- A. The Planning Commission, in review of a preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and widths of streets, the general drainage situation, lot sizes and arrangements, as well as master plan requirements such as parks, school sites, boulevards and highways.
- B. When a tract is subdivided into larger than building lots or parcels, as set forth in this Code, such lots or parcels must be arranged to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivisions.
- C. Any residentially zoned lot, excluding the Rural Residential District, that is larger than one-half acres or has street frontage in excess of one hundred fifty (150) feet that is intended to be initially served by a private or community septic system must include a proposed "ghost plat" within the preliminary plat for the lot that depicts future subdivision of the property that may be permitted following extension of municipal utility services.
- D. Subdivisions showing unplatted strips or private streets controlling access to public ways or private or public lots will not be approved.

- E. Deviations from standards may be approved by the City Council when recommended by Planning Commission to be deemed necessary to satisfy or achieve and outcome provided for in a City goal, policy, or ordinance (e.g. affordable housing initiatives, natural resource protection).

1510.03. FINAL PLAT.

Subd. 1. Submission Requirements.

The applicant must submit the following at least ten (10) working days before the next regularly scheduled Planning Commission Meeting:

- A. Six (6) full size copies of the proposed final plat and fourteen (14) eleven inch by seven inch (11" x 7") copies.
- B. One electronic copy of the proposed final plat to the email address specified by the City.
- C. Supplemental material, necessary to address specific physical conditions of the proposed subdivision as requested by City Staff.
- D. The final plat fee as set forth in the City's fee schedule.

Subd. 2. Plat Requirements.

- A. The graphic scale of the plat must be one (1) inch equals one hundred (100) feet (1":100'), unless a larger scale is approved by the Zoning Administrator based upon site size.
- B. Square footage per lot, lot dimensions, delineation of wetlands, dedicated streets and public sites and open spaces, and total platted land area must be calculated and submitted with the final plat.
- C. The name of the subdivision must be lettered in prominent print at the top of the plat, together with the name of the City and County wherein the subdivision lies. The name of the subdivision must be simple in nature, easy to pronounce, and cannot duplicate an exact name of any plat of record in the County.
- D. Notarized certification by owner and any mortgage holder of record, of the adoption of the plat and the dedication of public streets, sites and open spaces, and other public areas.
- E. Certifications showing that all taxes and special assessments due on the property have been paid in full.
- F. Form of approval by the City Council as follows:

1. *Approved by the City Council of Rice, Minnesota this ____ day of ____, 20__.*

- | | |
|------------------|-------------------|
| 2. <i>Signed</i> | <i>Attest</i> |
| 3. _____ | _____ |
| 4. <i>Mayor</i> | <i>City Clerk</i> |

G. Form of approval by the Planning Commission as follows:

1. *Approved by the Planning Commission of Rice, Minnesota this _____ day of _____, 20____.*
2. *Signed*
3. _____
4. *Planning Chairperson*

H. Form of approval by County authorities as required by their standards.

I. All other information and requirements in accordance with Minnesota Statutes, Chapter 505.

Subd. 3. Action on a Final Plat

- A. Once an application for a final plat has been determined to be complete, the Planning Commission must recommend approval or denial of the final plat. A final plat is considered complete when the applicant has complied with all conditions and requirements of preliminary approval either through assuring satisfactory performance or the execution of appropriate agreements assuring satisfactory performance.
- B. After receiving the recommendation from the Planning Commission, the City Council must approve or deny the final plat. Failure to certify approval within sixty (60) days, if the applicant has complied with all conditions and requirements, is deemed approval. Upon demand of the applicant, the Zoning Administrator may execute a certificate of approval for the final plat.
- C. The owner of the subject property must record the final plat with the County Recorder within one hundred twenty (120) days of final plat approval; otherwise, such approval will become null and void. The City Council may confirm its prior approval without the necessity of the Planning Commission review if a plat is not recorded in one-hundred twenty (120) days and no changes have been made to the original approval.

Subd. 4. Subdivision Agreement.

- A. When a final plat requires a subdivision agreement, before a final plat is approved by the City Council, the owner and subdivider of the land covered by the plat must execute and submit a subdivision agreement to the City Council which is binding on his/her or their heirs, personal representatives and assigns, that he/she will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for construction until all improvements required under this Code have been made or arranged for in the manner prescribed in this Code.

- B. The subdivision agreement must provide that all of the required improvements will be made in accordance with standards established by the City Engineer, and must include adequate provisions in the form of escrow deposits or other form of deposit acceptable to the City Council to insure that all the improvements made by the applicant will comply with such standards.
- C. If approved by the City Council, required improvements may be installed under contract by the City after petition for the same by the owner. The cost must be assessed in accordance with the City assessment policy or as otherwise determined by the City Council.
- D. Approval of the final plat and subdivision agreement of the City Council is contingent on the deposit of those sums to the City required by the agreement. No signatures indicating the City's approval of the plat will be affixed to the plat until such sums have been deposited with the City Clerk.
- E. Subdivision agreement must be recorded concurrently with the final plat. All costs associated with recording the final plat and subdivision agreement are the responsibility of the applicant.

1510.04. CERTIFICATE REQUIREMENTS.

A. Legal Description Certificate.

Each secondary plat submitted shall contain a metes and bounds legal description prepared by a registered professional land surveyor of the outside boundary of the complete survey.

B. Land Surveyor's Certificate.

Each secondary plat submitted shall carry a certificate signed by a registered professional land surveyor in substantially the following form:

*I _____, hereby certify that I am a Registered Professional Land Surveyor of the State of Minnesota; and that this plat correctly represents a survey completed by me or under my direct supervision on _____, 20____; and that any changes from the description appearing on the last recorded transfer of land contained in the secondary plat are so indicated; that all monuments shown thereon actually exist or will be installed (before the release of financial surety) and their location, size, type and material are accurately shown in compliance with the City of Rice Subdivision Control ordinance, and that all monument dimensional data, as well as of the data included with the secondary play is correct and in compliance with both the City of Rice Zoning Ordinance and the City of Rice Subdivision Control Ordinance. SEAL _____
Signature: _____*

C. Dedication Certificate.

Each secondary plat submitted to carry a deed of dedication, either on the secondary plat or incorporated by reference, in substantially the following form:

We, the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat, and

subdivide, said real estate in accordance with the herein plat.

The subdivision shall be known and designated as _____ consisting of _____ lots and _____ blocks containing _____ acres.

All streets and alleys and open public spaces show and not heretofore dedicated are hereby dedicated to the public.

Clear title to the land contained in this plat is guaranteed. (Any encumbrances and special assessments are explained as follows):

The setback lines shall be determined by the regulations of the City of Rice Zoning Ordinances of current adoption.

There are strips of ground on this plat and marked easement, reserved for the installation and maintenance of utilities and drainage facilities. Within these easements, no structure, planting, or other material shall be placed or permitted to remain that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is dedicated the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

1510.05. ADMINISTRATIVE PLAT.

The process and submission requirements for an administrative plat are the same as for a preliminary plat, with the following exceptions:

Subd. 1. Review of Administrative Plat.

The Zoning Administrator will, within twenty working days, review the administrative plat to determine if it is in compliance with the provisions of this Section. If an administrative plat is determined to be incomplete or not in compliance with provisions of this Code, then the Zoning Administrator will notify the applicant within ten (10) working days.

Subd. 2. Action on Administrative Plat.

If an administrative plat is determined to be complete and in compliance with the provisions of this Code, then it will be approved or denied by the Zoning Administrator within ten (10) working days. The timeline may be extended before the initial ten (10) working day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, and cannot exceed thirty (30) working days unless approved by the applicant.

1510.06. COMMON INTEREST COMMUNITY (CIC) PLATS.

- A. A Common Interest Community (CIC) Plat is required for those lots held in separate ownership but considered one (1) zoning lot in order to fulfill Code requirements, because common site elements are shared between the lots. The City is not responsible for maintenance of perpetual rights between private owners for common elements, such as off-street parking spaces, access drives and open spaces, that are shared between lots in separate ownership. CIC plats must be prepared by a licensed land surveyor in accordance with Minnesota Statutes, Section 515B.2-110.

- B. Prior to the date of adoption of this Code, those lots held in separate ownership, but considered one (1) zoning lot in order to fulfill Code requirements that were established through the Certificate of Survey process or a cross-access agreement are permitted to continue under such approved Certificates of Survey or previously established agreements.

