

### Section 3: General Provisions/Administration

#### SECTION 3:

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**3.01 Compliance with Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance and Official Map:** No subdivision of land shall conflict with the provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, or policies adopted by the City Council, as may be amended.

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

**3.03 Acceptance and Recordation Conditions:**

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

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

**3.04 Conveyance by Metes and Bounds:** Except in unique situations as may be allowed by the City Council, no division of one or more parcels of conveyed land which is described by metes and bounds shall be made or recorded if the parcels

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described in the conveyance are 5 acres or less in area and 300 feet or less in width, unless the parcel was a separate parcel of record at the effective date hereof. Building permits will be withheld for buildings or tracts which have been subdivided and conveyed by this method. The City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts. A Certificate of Survey shall be required for conveyances which do not require platting.

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

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

**Subd. 2.** Final Plat Punch List Items. Unless otherwise stipulated by the City Council in the Development Agreement, building permits shall not be issued for new subdivisions until such time as all of the final plat punch list items have been completed by the developer and accepted by the City.

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

*Cross Reference: Section 4.08, Subd. 1 C (Minor Subdivision)  
Section 5.05 Subd. 1 C (Lot Consolidation/Lot Line Adjustment)  
Section 8.06, Subd. 1 C (Final Plat)*

**3.06 Variances:** The City Council may approve variances from the minimum standards of this Ordinance (not procedural provisions) when, in its opinion, exceptional undue hardship may result from strict compliance and the variance will not interfere with the purpose and intent of this Ordinance.

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

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

- i. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of land;
- ii. That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the vicinity in which the development site is situated;
- iii. That the granting of the variance will not increase the flood hazard or flood damage potential;
- iv. That the variance results from an extreme physical hardship such as topography, or inadequate access to direct sunlight for solar energy systems;
- v. That the hardship is not a result of an action or actions by the owner, applicant, or any agent thereof; and
- vi. That the granting of the variance will not allow a use not otherwise permitted in the Zoning Ordinance.

**Subd. 2.** Procedure. The procedures for processing variance applications shall comply with Section 506 of the Zoning Ordinance, as may be amended.

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**3.07 Utility Service Area Allocation:** The City shall determine utility service area availability as part of the review of a submitted preliminary plat/phasing plan. City approval of the plan shall constitute a commitment by the City to allocate utility service area at the time of final plat approval according to the phasing plan and Development Agreement. The criteria in Subd. 1. below shall be considered in the review of the preliminary plat/phasing plan.

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

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

**3.08 Planned Unit Development (PUD):** In recognition of changing trends, techniques, and materials in the process of urban development, the Planning Commission and City Council shall provide flexible means to permit development in terms of a PUD. A PUD shall be considered as a conditional use and may involve mixed development of a single parcel based upon the land uses allowed in the Comprehensive Plan. The PUD shall be reviewed and adjudged in accordance

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with an integrated design and coordinated physical development which shall provide for and ensure higher standards of development than a conventional subdivision. Each application for a PUD shall be considered as an individual case and shall be reviewed in terms of its land use, circulation and traffic patterns, population and marketability, construction design, and timing. Of greatest concern shall be the qualification or eligibility of the PUD and the PUD's relationship to the public health, safety, and general welfare. A conditional use to allow PUD construction shall be granted only if:

- i. The PUD is designed to be in harmony with the natural features of the landscape. Steep slopes, wetlands, and natural features are to be preserved to the maximum extent possible. No disruption of the natural drainage system shall occur;
- ii. Any PUD flexibility granted shall not violate the intent of the subdivision design standards;
- iii. Utility lines such as power transmission and telephone lines shall be placed underground;
- iv. The PUD meets the standards of Zoning Ordinance Section 404 (Planned Unit Development); and
- v. The request for flexibility under this provision shall be commensurate with evidence of higher standards of site design, site preservation, and overall benefit to the community. Such finding of qualification eligibility as a PUD shall be at the sole discretion of the City Council.

*Cross Reference: Section 9.02 Subd. 6. (Park Land Dedication Requirements)*

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