

TITLE XV: LAND USAGE

CHAPTER 154: SUBDIVISION REGULATIONS

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§ 154.01 PURPOSE AND SCOPE.

(A) *Purpose.* The provisions of this chapter are adopted to regulate the subdividing of land within the city so that new additions will be integrated with the Comprehensive Plan of the city and will contribute to an attractive, stable, and wholesome community environment.

(B) *Scope.* The regulations governing plats and the subdivision or development of land shall apply within the corporate limits of the city. (Prior Code, § 11.01)

§ 154.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public right-of-way less than 24 feet in width which normally affords a secondary means of vehicular access to abutting property.

ARTERIAL STREET. A street which serves intra-community travel and augments high density arterial systems. The design character provides for access control with emphasis on traffic mobility with a projected average daily traffic (ADT) range of greater than 5,000 trips.

BLOCK. An area of land within a subdivision that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

BOULEVARD. The portion of the street right-of-way between the curb line and property line.

COLLECTOR STREET. A through street connecting neighborhood and minor collector streets to the arterial network. Also serves as an access for business and residential development. Minimum Right-of-Way width on minor collector streets is 80 feet for all new segments. Some existing streets may have less Right-of-Way while exhibiting all other criteria of a Collector and shall be considered as such. The design character allows for a moderate access control and is for low to moderate operating speeds with a projected average daily traffic (ADT) range of 2,000 to 15,000.
(Ord. #2011-17, 3rd Series, Adopted 8-15-11)

MINOR COLLECTOR STREET. A through street which services as a feeder facility from neighborhood and local streets to the collector street network. Minimum Right-of-Way on minor collector streets is 66 feet for all new segments. Some existing streets may have less Right-of-Way while exhibiting all other criteria of a Minor Collector and shall be considered as such. The design character requires little access control, and is for low operating speeds with a projected average daily traffic (ADT) range of 1,000 to 2,000. (Ord. #2011-17, 3rd Series, Adopted 8-15-11)

COMPREHENSIVE PLAN. A policy document which serves as a guide for the future physical development of the city and entitled “Comprehensive Plan, Hastings, Minnesota.”

CUL-DE-SAC. A short street having but 1 end open to traffic and the other end being permanently terminated by a vehicular turn around.

EASEMENT. A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

FINAL PLAT. A formal layout of a proposed subdivision encompassing all requirements imposed by the City Council and prepared by a qualified person.

HALF STREET. A street having only 1/2 of its intended roadway width developed to accommodate traffic.

LOCAL STREET. A street designed to provide access to abutting property and collector streets.

LOT. A piece, parcel, or plot of land intended for building development or as a unit for transfer of ownership.

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 and for which no building permit shall be issued.

OWNER. The record owner, whether 1 or more persons, or entities of legal or equitable title to the property, but excluding those having the interest merely as security for the performance of an obligation or those having a lien upon the property by provision or operation of law.

PERCENTAGE OF GRADE ON STREET CENTER LINE. The distance vertically from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

PLAT. A map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Council for approval.

PRELIMINARY PLAT. A formal layout of the proposed subdivision prepared by a registered qualified person.

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.

QUALIFIED PERSON. A person recognized by Dakota County as having the required training and experience to prepare plats.

SUBDIVISION and RESUBDIVISION. A division of a parcel of land into 2 or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, and division of a parcel of land; provided that:

(1) A division of land for agricultural purposes into lots or parcels of 5 acres or more and not involving a new street shall not be deemed a subdivision;

(2) The parcel is co-extensive with a separate parcel of record at the effective date of this chapter;

(3) An agreement to convey such a parcel has been entered into prior to the time and the instrument showing the agreement to convey is recorded in the office of the Dakota County Register of Deeds within 1 year thereafter;

(4) The parcel is co-extensive with a lot unit or units described with reference to a plat or auditor's subdivision duly filed and of record in the office of the Dakota County Register of Deeds prior to the effective date of this chapter; and

(5) A minor subdivision (waiver of platting requirements) or boundary lot line

adjustment approved pursuant to § 154.10 shall not be deemed a subdivision. (Prior Code, § 11.02)

§ 154.03 PLAT PRESENTATION PROCEDURES.

(A) *Generally.* The following procedures shall be followed in the administration of this chapter and no real property within the jurisdiction of this chapter shall be subdivided and offered for sale or a plat recorded until a pre-application meeting has been held and a preliminary plat and a final plat of the proposed subdivision have been reviewed by the Planning Commission and its technical assistants and until the final plat has been approved by the Council as set forth in the procedures provided herein and filed with the Register of Deeds for the county in which the land is located. Plans for cluster or planned developments including housing, commercial, industrial, and other uses or for any combination of uses designed for sale or rental purposes shall be presented in the same manner as other plats for the review of the Planning Commission and the approval of the Council.

(B) *Pre-application meeting and sketch plan.* Prior to the submission of any plat for consideration to the Planning Commission, the subdivider shall meet with City Planning Department staff to introduce himself or herself as a potential subdivider and learn what shall be expected of her or him or her in the capacity and to determine the relationship of the proposed subdivision with the Comprehensive Plan for the affected area. The subdivider shall present a sketch plan pursuant to the requirements of § 154.04(B) to the City Planning Department staff prior to filing a preliminary plat.

(C) *Preliminary plat approval.*

(1) The subdivider shall engage a qualified person to prepare a preliminary plat of the area to be subdivided as required by § 154.04(C).

(2) The subdivider shall submit the following:

(a) Ten full size copies of the preliminary plat; and

(b) One reduced size 11 inches by 17 inches copy of the preliminary plat to the City Planning Department at least 21 days prior to the Planning Commission meeting at which plat is to be considered. The required filing fee as established by City Council resolution shall be paid at the time of submitting the preliminary plat.

(3) The subdivider shall submit to the City Planning Department a list of property owners located within 350 feet of the subject property obtained from and certified by an abstract company or as prepared by Dakota County.

(4) City Planning Department staff shall submit 1 copy of the preliminary plat to the Public Works Department no later than 3 days after its receipt.

(5) The submitted preliminary plat shall be reviewed by a representative of the Public Works Department with respect to street and utility layout, storm water control, grading, and erosion control. The subdivider shall establish an escrow account with the city to pay for preliminary plat review. The escrow amount shall be set by the City Council by resolution. Any escrowed funds remaining after the preliminary plat review has been completed shall be returned to the subdivider after Council approval of the preliminary plat or cancellation of the project. If the initial escrowed amount is insufficient to complete review of the preliminary plat, the subdivider shall provide additional funds to be escrowed for review costs. The Public Works Department shall transmit a report of its review together with any supporting material to the Planning Commission prior to the meeting at which the plat is considered.

(6) The Planning Commission may require qualified technical services such as land planning and legal to review the preliminary plat and advise on its suitability regarding general planning; conformity with plans of other private and public organizations and agencies; adequacy of proposed water supply, sewage disposal, drainage and flood control, and other features. The subdivider shall be required to pay the cost of the services.

(7) The Planning Commission shall review the preliminary plat, considering the reports of the Public Works Department and other technicians, if applicable, and shall submit a recommendation to the City Council within 60 days of submittal to the City Planning Department. Prior to the approval of a plat by the Planning Commission and referral to the Council, a public hearing shall be held thereon after notice of the time and place thereof has been published once in the official newspaper at least 10 days before the day of the hearing. If disapproval of the plat is recommended by the Planning Commission, the Commission shall set forth the grounds for the refusal in its proceedings and shall transmit them to the Council.

(8) The preliminary plat must be acted on by the Council within 120 days after submittal to the City Planning Department. Upon approval of the preliminary plat, the subdivider shall provide the city a digital copy of the preliminary plat drawings in a city approved electronic format.

(9) All final plats shall be submitted for approval within 1 year of preliminary plat approval, unless specifically noted otherwise in the preliminary plat resolution. Any preliminary plat not finalized in accordance with this provision must be resubmitted for recertification by the Planning Commission and Council. (Am. Ord. 472, passed 4-15-2002)

(D) *Final plat approval.*

(1) The subdivider shall engage a qualified person to prepare a final plat

pursuant to the requirements of § 154.04(D) which may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time.

(2) The subdivider shall submit 10 full size copies and one 11 inches by 17 inches size copy of the final plat to the City Planning Department at least 21 days before the Planning Commission meeting at which the plat is to be considered. A final plat of all or a portion of the preliminary plat shall be submitted within 1 year of preliminary plat approval; otherwise, the approval shall become null and void. The required filing fee as established by City Council resolution shall be paid at this time.

(3) The City Planning Department shall transmit 1 copy of the final plat to the Planning Commission and 1 copy to the Public Works Department no later than 3 days after its receipt.

(4) The Public Works Department shall review the final plat and transmit a report to the Planning Commission prior to the meeting at which the plat is to be considered.

(5) The Planning Commission shall study the final plat, considering the reports of the Public Works Department and other City Departments and/or employees, and then transmit its recommendation to the Council within 30 days of submittal to the City Planning Department.

(6) The Council shall act upon the final plat within 60 days of submittal to the City Planning Department, whereupon the City Planning Department shall notify the subdivider of the Council's action. The Council may approve, reject, refer back to the Planning Commission, or require modification in the proposed final plat.

(7) The subdivider shall file the approved final plat with the City Planning Department, and shall record the final plat with the Dakota County Recorder within 1 year of final plat approval; otherwise the approval shall be considered null and void. (Am. Ord. 544, passed 1-3-2006)

(8) At the time of filing the plat with the city, a cash payment or certified check shall be furnished the City Clerk for the total amount due for interceptor sewer charges, public land dedication fees and any other charges or fees as provided by the City Code.

(9) The subdivider shall furnish a duplicate hardshell copy, one paper print, and a digital copy in a city approved electronic format of the final plat as recorded to the City Planning Department at the same time the original is submitted for recording.

(10) The final plat must meet all state and county platting requirements.

(11) The final plat must show the size of each lot on the plat, in square footage. This may be exhibited either in schedule form or by having the square footage indicated on the drawing of each lot.

(Prior Code, § 11.03)

§ 154.04 PLAT PRESENTATION REQUIREMENTS.

(A) *Generally.* Information required to be shown in the sketch plan, preliminary and final plats shall be as follows.

(B) *Sketch plan data.* Sketch plans shall contain, at a minimum, the following information:

- (1) Plat boundary;
- (2) North arrow and graphic scale;
- (3) Street layout on and adjacent to plat;
- (4) Designation of existing and proposed land use and zoning;
- (5) Significant topographical features;
- (6) General lot locations and layout; and

(7) Concept plan showing divisions (B)(1) through (B)(6) above for adjacent lands owned or controlled by the subdivider.

(C) *Required preliminary plat submittal data.*

(1) *Existing identification and description.*

(a) Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat recorded in Dakota County;

(b) Title opinion indicating ownership of property as prepared by a certified title company;

(c) Location by section, town, range, or by other legal description;

(d) Names and addresses of the owner(s), lien holders, subdivider, surveyor and designer of the plan; and

(e) Graphic scale (no smaller than 1 inch equals 100 feet and no larger than 1 inch equals 20 feet), north-point, and date of preparation.

(2) *Existing conditions.* Existing conditions in tract and surrounding area to a distance of 300 feet for undeveloped areas and to the nearest street right-of-way (ROW) or 200 feet for developed areas including, but not limited to, the following:

- (a) Boundary line of proposed subdivision, clearly indicated;
- (b) Size of area to be platted;

(c) Name, location, and size of public and private streets, sidewalks, railroad right-of-way and drainage and utility easements and any other easements and their purpose;

- (d) Boundary lines and ownership of adjoining land;

(e) Utilities including, but not limited to, location, size and water mains, storm and sanitary sewers (including rim and invert elevations), fire hydrants, gas lines, electric and telephone poles, street lights, curbs, gutter, culverts, catch basins, manholes and other facilities;

- (f) Permanent buildings and structures;

(g) Topography, showing lakes, water courses, wetlands, and contours at vertical intervals of no more than 2 feet. All elevation data shall be mean sea level, 1929 USGS or established city datum;

(h) Other information, such as soil tests or borings and a historic high water elevation, if requested by the Public Works Department, Planning Department or the Council to aid in its review;

- (i) Public improvements of record; and

- (j) Zoning.

(3) *Proposed subdivision design features.*

(a) Layout and width of proposed streets and utility easements showing street names, lot dimensions, parks and other public areas. The street layout shall include all contiguous land owned or controlled by the subdivider;

(b) Proposed use of all parcels. If a proposed preliminary plat will, upon approval, require a comprehensive plan amendment and/or rezoning, the developer shall submit to the City Planning Department, at the time of submitting the preliminary plat, a petition for the comprehensive plan amendment and/or rezoning;

- (c) Grading plan with the following items:

1. Plan showing finish grades and surface drainage of all parcels including overall final contours at 2-foot intervals;

2. Building pad elevations; the building pad elevation shall be the

garage floor elevation;

3. Lowest opening elevations;

4. Proposed lot corner elevations;

5. Building pad foundation style such as walkout, look out, and the like;

6. All drainage swales and critical drainage areas shall be clearly identified with grade and spot elevations;

7. Preliminary street grades and drainage plan with elevations; and

8. Existing benchmarks used for surveying grading plan.

(d) Other right-of-way or easement locations, width, and purpose;

(e) Lot layout including size of each lot in square feet, lot lines, lot numbers and block numbers;

(f) Size and location of public lands;

(g) Zoning and minimum required building setback lines;

(h) Preliminary plan of sanitary and storm water sewers with rim and invert elevations, grades and sizes indicated for approval by the Public Works Department. Preliminary plan of water main, valving and hydrants with sizes indicated for approval by the Public Works Department. Sanitary sewer and water service lines stubbed out to the individual lots shall also be shown;

(i) Erosion and sedimentation control plans which specify the control measures to be used before, during, and after construction until the soil and slope are stabilized by permanent cover. Erosion control plans shall be designated per city approved standards;

(j) Tree plans which specify the proposed location and species of trees for the subdivision. Trees plan shall be designated per city approved standards;

(k) Landscape plans for cul-de-sac islands, eyebrow islands, and berms;

(l) Key map at small scale showing location of the preliminary plat and other property for at least 600 feet in every direction; and

(m) A declaration of covenants, conditions, and restrictions or the equivalent document shall be submitted for review and approval by the city to ensure

maintenance of any common elements including open space, common drives, and common utilities. The declaration shall include, but is not limited to, the following.

1. A statement requiring the deeds, leases, or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments be subject to the terms of the declaration.

2. A provision for the formation of a property owners association or corporation and that all owners must be members of the association or corporation which may maintain all properties and common areas in good repair and which may assess individual property owners proportionate shares of joint or common costs. The association or corporation must remain in effect and may not be terminated or disbanded.

3. Membership in the association shall be mandatory for each owner and any successive buyer.

4. Any open space restrictions must be permanent and may not be changed or modified without city approval.

5. The association is responsible for liability insurance, local taxes, and the maintenance of the open space facilities deeded to it.

6. Property owners are responsible for their pro rata share of the cost of the association by means of an assessment to be levied by the association which meet the requirements for becoming a lien on the property in accordance with Minnesota Statutes.

7. The association may adjust the assessment to meet changing needs. (Am. Ord. 525, passed 1-3-2005)

(4) *Additional city code requirements for subdivisions.*

(a) Compliance with Chapter 155;

(b) Compliance with Chapter 151;

(c) Compliance with Chapter 152;

(d) Compliance with Chapter 153;

(e) Compliance with the Critical Areas Ordinance; and

(f) Compliance with the Natural Resources Management Ordinance.

(D) *Final plat data.*

(1) Existing identification and description data and proposed subdivision design

features as required for the preliminary plat;

(2) Boundaries of the property; lines of all proposed streets, walkways and alleys, with their width, and any other areas intended for public use;

(3) Lines of adjoining streets and alleys, with their width and names;

(4) All lot lines, building lines and easements, with figures showing their dimensions;

(5) An identification system for all lots and blocks;

(6) Data required under regulation by the Dakota County Surveyor, i.e., accurate angular and linear dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements, and other features;

(7) Certification by a qualified person to the effect that the plat represents a survey made by him or her and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct;

(8) Notarized certification by owner, and by all mortgage holders of record, of the adoption of the plat and the dedication of streets and other public areas;

(9) Certification showing that all taxes currently due on the property to be subdivided have been paid in full;

(10) Form for approval by the Planning Commission:

Planning Commission of Hastings, Minnesota

This _____ day of _____, 20__

Signed _____
Chairperson

Signed _____
Secretary

(11) Form for approval by the Council:

City Council of Hastings, Minnesota

This _____ day of _____, 20__

Signed _____
Mayor

Signed _____
City Clerk

(Prior Code, § 11.04) Penalty, see § 10.99

§ 154.05 DESIGN STANDARDS.

(A) *Generally.* Design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the city's development objectives for the entire area. preliminary plat designs shall be in accordance with the latest Public Works Design Manual, approved by the Council, and on file at the city. No plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained unless the subdivider agrees to make improvements at developer's sole expense which will, in the opinion of the Public Works Department, make the area completely safe for occupancy, and provide adequate street and lot drainage and which satisfy all flood plain requirements.

(B) *Circulation.*

(1) *General street design.*

(a) The design of all streets shall be considered in their relation to the following: existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water and to the proposed uses of the area to be served.

(b) Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.

(c) Where adjoining areas are not subdivided the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins un-subdivided land susceptible to being subdivided, then the new

streets shall be carried to the boundaries of the un-subdivided land.

(2) *Cul-de-sacs*. Cul-de-sacs shall not be permitted unless there are specific engineering reasons to require them based on existing property condition, topography, or natural features. Maximum length of permanent cul-de-sac streets shall be 500 feet measured along the center line from the intersection or origin to end of right-of-way. Each cul-de-sac shall be designed according to city standards. Cul-de-sacs shall be required to have a landscaped island according to city specifications.

(3) *Street jogs*. Street jogs with center line offsets of less than 125 feet shall be avoided.

(4) *Street intersections*. Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than 75 degrees. It must be evidenced that safe and efficient traffic flow is encouraged. No intersection shall contain more than 4 corners.

(5) *Street names*. Proposed streets obviously in alignment with existing and named streets shall bear the name of the existing streets. In no case shall the name of the proposed street duplicate existing street names, including phonetical similarities. Where a plat extends beyond existing streets, continuity of present street naming scheme shall be maintained. Street names shall be subject to the approval of the Public Works Director and the Fire Marshal.

(6) *Private streets*. Public improvements shall not be approved for any private street. Private drives and utilities shall be constructed according to approved city standards and shall be privately maintained.

(7) *Local service drives*. Where a proposed plat is adjacent to a major thoroughfare, the Council may require the developer to provide local service drives along the right-of-way of the facilities or they may require that lots should back on thoroughfares, in which case, vehicular and pedestrian access between the lots and thoroughfares shall be prohibited.

(8) *Access to arterial and collector roadways*. Where a proposed plat is adjacent to an arterial or collector roadways as designated by the Hastings Comprehensive Plan, spacing between access points to the thoroughfares of less than 660 feet for collectors and 1,320 feet for arterials shall be avoided except where impractical or impossible due to existing property divisions or topography.

(9) *Arterial and collector road driveways*. Driveway access to arterial streets is strongly discouraged. Residential driveway access to collector streets should be avoided. If residential driveway access to arterial or collector streets is approved due to specific engineering reasons, topography or natural features, a 35-foot setback from the property line shall be required, and the driveways must be constructed with a turnaround.

(10) *Alleys.* Alleys may be permitted as part of planned residential developments (PRD).

(11) *Hardship to owners of adjoining property.* The street arrangements shall be such as to cause no hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(12) *Pedestrian system.* A pedestrian walkway shall be provided between lots where required by the City Council to allow for pedestrian accessibility to streets or public service areas. These pedestrian ways shall be graded to allow construction of concrete sidewalks or bituminous paths thereon and to meet established grades.

(C) *Easements.*

(1) *Utilities.* Easements at least 10 feet wide along front and side-corner lot lines as well as centered on rear and side lot lines shall be provided for drainage and utilities where necessary. Easements for water main, storm or sanitary sewers shall be at least 20 feet wide. They shall have continuity of alignment from block to block. Temporary construction easements may be required where installation depths are greater than 10 feet. Drainage and utilities easements shall be kept free of any vegetation which would interfere with the free movement of utilities service vehicles and/or water flow. Vegetation and fences placed in utility easements by the property owner are done so at the property owner's risk. Fences and vegetation may be removed at the owner's expense by the city to work within the easement.

(2) *Trail easements.* Trail easements shall be recorded with plats and will be sized and located according to the city's sidewalk and trails plan.

(3) *Water courses.* When a subdivision is traversed by a water course, drainage ways, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of the water courses, and with the further width or construction as may be determined to be necessary by the Public Works Department. No fences, structures, or vegetation shall be allowed that would block the water course.

(D) *Blocks.*

(1) *Length.* Block lengths shall not exceed 1,200 feet and shall not be less than 400 feet.

(2) *Pedestrian ways.* In blocks longer than 600 feet, a pedestrian crossway easement or right of way with a minimum width of 20 feet may be required near the center of the block. The use of additional access ways to schools, parks, and other destinations may be required.

(E) *Lots.*

(1) *Layout.* Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on 2 parallel local streets shall be prohibited.

(2) *Size and dimension.* Minimum lot area and lateral dimensions shall be as set forth in Chapter 155.

(3) *Corner lots.* Corner lots shall be platted at least 10% wider than the minimum lot width required.

(4) *Natural features.* When subdividing land, due regard shall be shown for all natural features which if preserved will add attractiveness and stability to the proposed development and which may alter normal lot platting.

(5) *Lots along thoroughfares.* There shall be no direct vehicular access from residential lots to an arterial street, and residential lots shall be separated from arterial streets and railroad rights-of-way by a 25-foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the thoroughfares or railroad right-of-way.

(6) *Lot remnants.* Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of the remnant. (Prior Code, § 11.05) Penalty, see § 10.99

§ 154.06 REQUIRED IMPROVEMENTS.

(A) *Generally.* The subdivider shall be required to provide the following improvements unless the city elects to provide any of the required improvements as specified under the provisions of division (I) below.

(B) *Monuments.* Steel monuments shall be placed at all block corners, lot corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. The installation shall be the subdivider's expense and responsibility. All U.S., state, county, or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. All monuments displaced, damaged, or removed during grading operations shall be replaced by the developer. The monuments shall be installed after the final grading has been completed. The subdivider shall provide required certification of installation to the county. A copy of this certification shall also be sent to the city.

(C) *Streets.*

(1) *Grading.* Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the Public Works Department. All street grading and gravel base construction will be in accordance with specifications on file in the Public Works Department. Grading will be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.

(2) *Surfacing.* Following Public Works Department approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the Public Works Department, approved by the Council, and on file at the city.

(3) *Boulevard sod.* The developer shall install a 3-foot strip of sod directly behind the curb as part of the street construction process. This boulevard sod strip shall be planted prior to the development being approved for building permits. If weather or sod supply does not allow the sod to be installed before building permits are requested, then the developer shall provide the city a letter of credit for the sod installation and shall install the sod as soon as feasible.

(D) *Utilities.*

(1) *Sanitary sewer.* Sanitary sewer facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the Public Works Department and shall meet the requirements of the master plan for sanitary sewer extensions of the city. Minimum size sanitary sewer in any street shall be 8 inches diameter. The developer must pay the total cost of sanitary sewer through 10 inches diameter size if this greater size is required by the Public Works Department. Larger than 10 inches diameter size pipe, when required shall be funded through the use of city SAC/Interceptor Sewer funds. The oversizing cost for developer constructed public sanitary sewer mains shall be determined by the Public Works Director and paid to the developer upon construction and acceptance of the sewer mains.

(2) *Water supply.* Water distribution facilities adequate to serve the subdivision including pipe, fittings, hydrants, valves, and the like shall be installed. All water mains shall be installed in accordance with the requirements with the latest plans and specifications of the Public Works Department and shall meet the requirements of the master plan for water main extensions of the city. Minimum size water main in any street shall be 6 inches diameter. The developer must pay the total cost of water main through 8 inches diameter size. Larger than 8 inches diameter size pipe, when required shall be funded through the use of city WAC funds. The oversizing cost for developer constructed public water mains shall be determined by the Public Works Department and

paid to the developer upon construction and acceptance of the water mains.

(E) *Drainage facilities.* Storm sewer, ponding basins, and or other surface drainage facilities shall be installed as determined to be necessary by the Public Works Department for the proper drainage of surface waters. No storm drainage shall be carried over the street surface for a distance greater than 500 feet.

(F) *Tree plantings.*

(1) *Tree requirements.* A street/boulevard tree shall be required for every 50 linear feet of street frontage in a subdivision. One front yard tree shall also be required for every lot in the subdivision. The subdivider shall submit a tree plan indicating the location and species of trees. Only those varieties of trees approved by the City Forester will be used. The minimum size shall measure 1 and 1/2 inches in diameter at ground line. No trees shall be planted within 30 feet of the intersection of curb lines on corner lots.

(2) *Time of tree planting.* The front yard tree and boulevard trees as identified on the approved tree plan shall be planted prior to a residence receiving a certificate of occupancy. If it is not practical to plant trees because of inclement weather, the builder or owner shall provide a cash escrow, bond, or letter of credit in the amount of 125% of the estimated cost of the tree(s) and installation.

(3) *Front yard trees.* The front yard trees shall be planted on private property 5 to 15 feet inside the property line and not in the utility and drainage easement, side strip or boulevard. No trees shall be planted within 30 feet of the intersection of curb lines on corner lots.

(G) *Sidewalks and driveways.*

(1) Grading of boulevards in all new developments shall be accomplished so as to accommodate construction of sidewalks thereon regardless of whether the boulevard is part of the Sidewalk Plan on file at City Hall. Any sidewalk located in the plat shall be dedicated to the public. Any sidewalks constructed in any subdivision shall be in accordance with specifications established by the Public Works Department. Sidewalks shall be a minimum of 5 feet in width, and located 1 foot off the property line in the street right-of-way.

(2) Each and every driveway shall be constructed in accordance with specifications established by the Public Works Director. If a sidewalk is to be constructed, the concrete driveway shall extend through to the property line side of the walk. The remainder of the driveway shall be concrete or asphalt from the end of the concrete apron to the garage. In cases where driveways are constructed after curbing and sidewalks are in place, the sidewalk shall be reconstructed in accordance with driveway specifications for the width of the driveway.

(3) (a) Parking areas shall be designed to provide an adequate means of access to a public alley or street. The driveway access shall not exceed 30 feet in width for residential uses and 32 feet in width for commercial, office, or industrial uses at the property line and driveways shall be so located as to cause the least interference with traffic movement. All driveway widths shall be measured from the property line, not the roadway. Driveways must be located at least 3 feet from the extension of the side lot line from the property line to the curb to accommodate the driveway apron. Driveways abutting a public street must have a minimum 3-foot landscaped separation between any adjacent driveway.

(b) Driveway widths up to 50 feet will be permitted only by special permission of the Planning and Public Works Directors. All off-street parking spaces shall access off driveways and not directly off a public street unless otherwise approved by the Planning and Public Works Directors.

(Ord. #2011-17, 3rd Series, Adopted 8-15-11)

(4) All single-family homes, duplexes, 4-plexes, townhomes, and townhouse quadriminiums developed as part of plats approved after 1-1-1994 shall be required to have mail delivery serviced by city approved boxes clustered together. Individual mail boxes will be permitted only upon receiving handicap exemption status from the Hastings area office of the United States Postal Service, with appeal rights to the St. Paul district office of the United States Postal Service. Mailbox unit foundations shall be constructed with the development's street improvements, and in accordance with the latest recommended plans and specifications prepared by the Public Works Department and on file at City Hall. The location and number of mailbox units will be determined by the Public Works Director in consultation with the U.S. Post Office.

(Ord. #2011-17, 3rd Series, Adopted 8-15-11)

(H) *Specification; inspections.*

(1) *Generally.* Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the city. The improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the Public Works Department. Plans and specifications for the required improvements shall be submitted to the Public Works Department in a type and format specified by the Public Works Department for review and approval. The developer contracting these improvements will be required to post a cash escrow with the City of Hastings in the amount of 125% of the estimated cost of the review of the plans. The estimated cost of the plan review shall be determined by the Public Works Director. The city will pay all plan review costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The city will also charge 10% of the consultant fees to cover city overhead and administrative costs connected to the consultant inspection services. Excess funds will be returned to the developer upon completion of the improvement project. If the funds deposited with the city are insufficient to cover the review costs, the developer will be required to deposit additional

funds with the city to cover the estimated overage.

(2) *Grading inspection.* All development site grading 1 acre in size or larger shall be inspected by a city-designated grading inspector, who will review and inspect maintenance of erosion control measures and compliance with city standards, and the approved grading plan and specifications. The developer contracting these grading improvements will be required to post a cash escrow with the City of Hastings in the amount of 125% of the estimated cost of the inspection services prior to receiving approval to commence grading. The estimated cost of inspection services shall be determined by the Public Works Director. The city will pay all grading inspection costs incurred from these escrowed funds, and furnish the developer with copies of all invoices received. The city will also charge 10% of the consultant fees to cover city overhead and administrative costs connected to the consultant inspection services. Excess funds will be returned to the developer upon completion of the grading project. If the funds deposited with the city are insufficient to cover the inspection costs, the developer will be required to deposit additional funds with the city to cover the estimated overage. The Building Code grading permit fee and the construction permit erosion control inspection fee will be waived for those grading projects that require a grading inspection cash escrow.

(3) *As-built grading plan.* Upon completion of site grading, the developer shall submit to the Public Works Department for review, an as-built grading plan in a type and format specified by the Public Works Department showing the newly graded elevations at all lot corners, critical elevations in drainage-ways, 1 foot contours at ponding and sedimentation basins, and at ponding level control points for ponding basin emergency overflow swales.

(4) *Inspection of public improvements.* Construction of all subdivision street and utility improvements and other required subdivision improvements shall be inspected by a city designated inspector for compliance with city standards, and the approved improvement plans and specifications. The developer contracting these improvements will be required to post a cash escrow with the City of Hastings in the amount of 125% of the estimated cost of the inspection services prior to receiving approval to commence construction. The estimated cost of inspection services shall be determined by the Public Works Director. The city will pay all improvement inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The city will also charge 10% of the consultant fees to cover city overhead and administrative costs connected to the inspection services. Excess funds will be returned to the Developer upon completion and acceptance of the improvement project. If the funds deposited with the city are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the city to cover the estimated overage.

(5) *As-built improvement plan.* Upon completion of the required public improvements, the city inspector shall prepare a record as-built drawing of the constructed improvements.

(I) *Required surety.*

(1) *Developer financed and constructed improvements.* Prior to installation of improvements required under this section that are to be furnished and installed by the developer, the developer shall provide the city a letter of credit, cash escrow, or other approved form of surety, in the amount of 125% of the estimated cost of furnishing and installing the required improvements. This surety shall be used to cover failure of the developer to construct the improvement in accordance with the approved plans and specifications and city standards, or failure to complete the improvements as approved.

(2) *City financed and constructed improvements.* To request the city to design and construct improvements required under this section, the developer must submit a petition for all improvements required as part of the development in accordance with state law. The petition must be submitted prior to October 15 of the year preceding the construction of improvements. Upon acceptance of the petition by the City Council and prior to commencement of city work on the improvement design, the developer must post a letter of credit, cash escrow, or other approved form of surety with the City of Hastings in the amount of 125% of the estimated cost of engineering services to prepare a feasibility study and plans and specifications for the improvement project. This surety shall be used to cover city costs incurred for the feasibility study and design of improvements should the Council decide not to order the improvement, or the developer fail to complete the platting and grading of the proposed development by August 1 of the year in which the City Council ordered the improvements constructed.

(3) *Maintenance bond.* Prior to accepting or approving the completed developer financed and constructed grading and/or street and utility improvements, the developer must submit a maintenance bond from his or her contractor in the amount of 20% of the improvement costs, covering a period of 1 year after city acceptance of the improvements.

(4) *Privately constructed improvements.* In the event the subdivider elects to pay 100% of all costs incurred by installation of the improvements required under this section, outside of the normal assessment procedure, he or she may do so providing he or she complies with the following requirements:

(a) All construction shall be in accordance with plans and specifications approved by the Public Works Department;

(b) The subdivider must retain a registered civil engineer to design the improvements; and

(c) Complete the required improvements within a 2-year period.

(J) *Requirements for a building permit.*

(1) No building permit shall be granted on the platted property until the time as certified copy of the recorded plat has been filed with the city and production of proof that all conditions of plat approval have been met. In a case where the City of Hastings is a party to the platting, a copy of the plat, certified by the City Clerk as true and correct, shall satisfy the requirements of this section.

(2) No building permit shall be granted on the platted property until the time that the subdivider provides the city with a certified survey indicating that the entire site as shown on the preliminary and final plats has been graded pursuant to the approved elevations shown on the preliminary and final plats.

(3) No building permit shall be granted on platted property until the bituminous base course has been constructed, sod behind the curb and gutter installed, and sanitary sewer, water main and storm sewer improvements tested and accepted. (Prior Code, § 11.06) Penalty, see § 10.99

§ 154.07 PUBLIC LAND DEDICATION.

(A) All persons requesting the platting, replatting, or other subdivision of land (excluding simple lot line adjustments which do not create additional lots) shall dedicate a portion of the area to be subdivided for parks, playgrounds, public open space, or storm water holding areas or ponds in accordance herewith. The city may at its discretion choose to require payment of cash in lieu of land in accordance herewith.

(1) *General requirements.* In all subdivisions, a portion of the area to be subdivided shall be dedicated for public recreation and open space purposes, the dedication being in addition to property dedicated for streets, alleys, storm water holding areas or ponds, or other public ways or easements. No area may be dedicated for public use until it has been approved by the City Council as being suitable and needed to preserve and enhance the public health, safety, and welfare of the residents of the city. The dedicated lands shall be reserved for public use as parks, playgrounds, public open space, trails or any combination thereof. It shall be deemed to be in the public interest to require park dedication from a particular subdivision when the City Council after review and recommendation by the Natural Resources and Recreation Commission and the Planning Commission, determines that 1 or more of the following criteria have been met.

(a) All or part of the land proposed to be subdivided or developed has been previously designated as open space, park land or a trailway in the Comprehensive Plan.

(b) A need for additional parks or recreational facilities will be generated by the development of the proposed facilities.

(c) The land proposed to be subdivided or developed adjoins existing park or school open space property and the City Council further finds that for the safety and convenience of the public using the parks or the school children attending the school, a walkway or corridor or open space is a public necessity; or that parking lot surface runoff from the land to be subdivided would create or add to water drainage or erosion problems within the adjoining open space area.

(d) All or part of property located in an industrial or commercial district proposed to be subdivided is adjacent to a residentially zoned district, and that an open space area is or will be in the near future necessary to protect the adjacent residents from safety or health hazards which are reasonably foreseeable from any of the permitted or conditional uses which exist or could be developed on the land to be subdivided.

(e) The land proposed to be subdivided contains or borders upon existing, unique topographical features, including but not limited to ponds, lakes, streams, wetlands, timber stands, hills or bluffs which should be preserved or reserved for all the public in order to prevent safety hazards and to provide unique recreational aesthetic enjoyment for residents.

(2) *Standards for accepting dedication of land for public park purpose.*

(a) Land proposed to be dedicated for public purposes shall meet the general requirements as set forth under division (A)(1) above.

(b) Prior to dedication for public purpose, the subdivider shall deliver to the city an abstract of title or registered property abstract for the dedication. The conveyance documents shall be in the form acceptable to the city.

(c) The required dedication and/or payment of fees-in-lieu of land dedication shall be made at the time of final plat approval. The Council may upon the request of the property owner, at the city's discretion when cash is provided in lieu of land, postpone to a subsequent date (not later than commencement of construction) the time of payment. Any delayed payment in accordance herewith shall bear interest at 8% per annum from the date of plat approval to date of payment.

(d) The removal of trees, topsoil, storage of construction equipment, burying of construction debris, or stockpiling of surplus soil is strictly forbidden without the written approval of the Director of Parks and Recreation.

(e) Grading and utility plans, which may affect or impact the proposed park dedication, shall be reviewed and approved by the Director of Parks and Recreation prior to dedication, or prior to initiation of construction which will affect the park lands.

(f) To be eligible for park dedication credit, land to be dedicated must be located outside of drainage ways, flood fringe areas, floodway areas, or ponding areas after the subdivision is developed. Grades exceeding 12% or grades which are unsuitable for parks development may be considered for partial dedication. A credit of up to 30% of the required dedication at the discretion of the City Council may be allowed for on-site storm sewer, ponding and storm water holding and ponding areas, wetlands or other surface water resources provided that the improvements benefit identifiable park and recreation resources. When lands to be dedicated to be used for these purposes have been determined to have a park function, credit will be given at a rate of 50% of the pond and adjoining land area below the ordinary high water level; a minimum of 70% of land above the high water level shall be dedicated before pond credit is granted.

(g) Land to be dedicated must be determined suitable for public recreation and open space use and must be situated so as to best serve the present and future needs of the neighborhood and community for recreation and park purposes. Areas to be dedicated for public park, trail or ponding shall be brought to a suitable condition by the subdivider prior to acceptance by the city. All dead trees, trash, junk, unwanted structures or similar undesirable elements shall be removed by the owner at his or her expense. Further, the city may at its discretion require the subdivider to rough grade the land to be dedicated if deemed necessary for use for park purposes.

(B) The amount of land to be dedicated in accordance herewith shall be as follows.

(1) *Residential development.* The amount of land that all new residential subdivisions shall dedicate for public parks, playgrounds, public open space, or storm water holding areas or ponds, as required by this chapter, shall be a percentage of the gross land area being platted based upon the proposed density per gross acre as shown below:

<i>Proposed Density (units) Per Gross Acre of Plat</i>	<i>Percentage of Gross Area of Plat to be Dedicated</i>
0.0-1.9	9%
2.0-3.5	11%
3.6-5.9	13%
6.0-10	15%
10+	Add 0.6% per unit over 10

(2) *Commercial/industrial development.* The amount of land to be dedicated in accordance herewith shall be 10% of the gross land area to be platted. (Am. Ord. 500, passed 8-4-2003)

(C) The Planning Director shall transmit a copy of all preliminary plats involving

land to be dedicated for the purpose hereof, to the Natural Resources and Recreation Commission, who shall report back to the Planning Director within 30 days after receipt thereof, with recommendation with reference to the proposed dedication.

(D) The city may at its discretion require the developer to make a cash payment to the city in lieu of land to meet public land dedication requirements. The cash amounts shall be determined as follows.

(1) *Residential development.*

(a) Two thousand and two hundred dollars per unit for all single-family detached units;

(b) One thousand and six hundred and fifty dollars per unit for all twin homes and 2-unit buildings; and

(c) One thousand and one hundred dollars per unit for all buildings containing 3 or more units

(2) *Commercial/industrial development.*

(a) One thousand and two hundred dollars per gross acre of industrial development; and

(b) One thousand and five hundred dollars per gross acre of commercial development.

(3) *Payment.* Any cash so obtained shall be used by the city only for the acquisition of land or equipment for parks, playgrounds, public open space, trails or debt retirement in connection with land previously acquired for the purposes. The City Council may, upon request of a subdivider, delay time of payment of cash in lieu of land beyond the time of final plat approval by the city no later than commencement of construction of public improvements. Any delayed payment in accordance herewith shall bear interest at 8% per annum from the date of plat approval to the date of payment. (Am. Ord. 500, passed 8-4-2003; Am. Ord. 517, passed 6-21-2004)

(E) Where the developer provides internal to the development, open space, park, recreational or like facilities, which are to be privately owned and maintained by the developer or residents of the developed area, a credit not to exceed 50% of land required (or cash in lieu of) may be provided upon the following conditions: That the land is not occupied by non-recreational buildings or structures and is available for the use of all residents in the proposed subdivision. That required open space and setbacks shall not be included in the computation of the private open space, park, and the like. That the use of the private open space shall be restricted to park, recreational and like uses in a manner satisfactory to the city, which may include recorded restrictions or covenants to run with the land, the same not to be defeated, eliminated or reduced without consent of the city.

That the proposed park area internal to the development is of size, shape and location, topography and usability for park and recreational purposes or contains unique natural features, the preservation of which is determined to be in the best interest of the city by the City Council. The proposed private open space, park, and the like, reduces the demand for public recreational facilities to serve the development. Determinations in accordance with this division (E) shall be by the city.

(F) Where a proposed park, playground, or recreational area has been indicated in the master plan or park plan of the city, and is located in whole or in part within the proposed subdivision, the proposed public site shall be designated as such and shall be dedicated to the appropriate governmental entity. If the developer chooses not to dedicate an area in excess of the land required under the section hereof for the proposed public site, the Council shall not be required to act or approve or disapprove the plat of the subdivision or development of same for a period of 90 days after the subdivider meets all of the provisions of this chapter to permit the Council to consider the proposed plat and take the necessary steps to acquire, through purchase or condemnation, all or part of the public site proposed under the master plan of the city. This chapter shall apply to all plats which receive final plat approval after 7-1-1991. (Prior Code, § 11.07) Penalty, see § 10.99

§ 154.08 ADMINISTRATION AND ENFORCEMENT.

(A) *Responsible official.* It shall be the duty of the Council to see that the provisions of this chapter are properly enforced.

(B) *Building permit.*

(1) No building permit shall be issued by any city official for the construction of any buildings, structures, or improvement of any land henceforth subdivided until all requirements of this chapter have been fully complied with.

(2) Building permits shall be withheld for structures on tracts which have been subdivided and conveyed by methods prohibited by this chapter and the city may refuse to take over tracts as street or roads or to improve, repair, or maintain any such tracts.

(C) *Variances.* The Council, by a 2/3 vote of the entire Council, shall have the power to vary from the requirements of this chapter when supporting evidence indicates that:

(1) Because of the particular physical surroundings, shape or topographic conditions of the land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(2) The conditions upon which the petition for a variance is based are unique to

the tract of land for which the variance is sought and one not applicable, generally, to other property with the same zoning classification;

(3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

(4) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the tract of land is located; and/or

(5) The proposed variance will not impair an adequate supply of light and air to property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the vicinity; (Prior Code, § 11.08)

(6) The variance is in harmony with the purposes and intent of ordinance;

(7) The variance is consistent with the comprehensive plan;

(8) The proposal puts the property to use in a reasonable manner; and

(9) There are practical difficulties in complying with the official control. “Practical difficulties,” as used in connection with the granting of a variance means that:

(a) The property owner proposes to use the property in a reasonable manner not permitted by an official control;

(b) The practical difficulty is caused by the provisions of this chapter and has not been created by any persons presently or formerly having an interest in the parcel of land;

1. A practical difficulty is not present if the proposal could be reasonably accomplished under the current Ordinance requirements,

(c) The variance, if granted, will not alter the essential character of the locality.

(d) Economic considerations alone do not constitute practical difficulties.

(e) Practical difficulties include inadequate access to direct sunlight for solar energy systems.

(10) The Council may impose conditions in the granting of a variance provided the conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Ord. No. 2011-14, 3rd Series, passed 07-05-11)

§ 154.09 CONVEYANCE BY METES AND BOUNDS.

No transfer of ownership of land may occur in which the land is described:

(A) By metes and bounds;

(B) By reference to an unapproved registered land survey made after 4-21-1961; or

(C) To an unapproved plat made after the effective date of this chapter. However, transfers of ownership of land may occur as allowed by M.S. § 462.358, Subdivision 4b, (1), (2), (3), (4), (5), and (6) now in effect and as they may be amended from time to time, or was an approved minor subdivision (waiver of platting requirements) or boundary lot line adjustment approved pursuant to § 154.10. (Prior Code, § 11.10)

§ 154.10 MINOR SUBDIVISION; WAIVER OF PLATTING REQUIREMENTS.

(A) *Generally.*

(1) A minor subdivision may be initiated by the property owner(s) or authorized agent by filing an application with the Planning Department along with the fee(s) established by resolution of the City Council.

(2) Minor subdivisions are limited as follows:

(a) One division of a parcel of land per 12-month period which results in no more than 3 lots, provided no new road is required and all lots created meet the requirements of Chapter 155.

(b) The minor subdivision procedure shall not be used to re-subdivide large undeveloped areas of platted property. On platted lands with less than 75 percent of lots developed into housing, minor subdivisions are limited to one division within a plat per 12-month period which results in no more than 3 lots, provided no new road is required and all lots created meet the requirements of Chapter 155.

(3) The minor subdivision or boundary/lot line adjustment shall not necessitate any additional public investment in new roads nor utilities to serve the lots.

(4) A minor subdivision is generally not intended for outlots nor commercial/industrial lands.

(B) *Application.*

(1) Unless specifically exempted by division (B)(2) below, an application for a minor subdivision/waiver of platting requirements shall include 20 copies of a certificate of survey prepared by a registered land surveyor showing at a minimum the following information:

(a) *Map specifications.* Date; northpoint; legend; standard engineer's scale no less than 1 inch equaling 100 feet, unless otherwise approved by staff;

(b) *Boundaries.* The original lot lines; the proposed new lot lines; legal description of the existing and proposed property;

(c) *Easements.* Existing and proposed easements and their dimensions;

(d) *Existing improvements.* Names and locations of streets, drainage lines, sewer and water lines, other utilities, and structures within the proposed minor subdivision area;

(e) *Proposed improvements.* Location of proposed sewer and water lines, utilities, common facilities, driveways and structures;

(f) *Setbacks.* Setback distance between existing/proposed structures and all lot lines;

(g) *Lot areas.* Existing and proposed lot(s) areas shown in square feet for each lot less than 1 acre;

(h) *Supplementary information.* An affidavit by the applicant containing the exact names and addresses of all persons or entities having any type of ownership interest in the property;

(i) *Other features.* Topography and other features as may be required by the City Engineer; and

(j) *Site information.* Any other information specific to the particular site and required for the complete evaluation of the application. The information shall be supplied at the expense of the applicant.

(2) For property zoned commercial within the Downtown Overlay District, the city may waive any of the requirements of this division (B) including a certificate of survey. Generally, the city may waive a certificate of survey if the lot split results in equal halves, thirds or quarters of the parent platted parcel. The applicant for a minor subdivision within the Downtown Overlay District shall, at a minimum, submit a legal description for all existing and proposed lots/parcels.

(C) *Review process.*

(1) The Planning Commission shall hold a public hearing on the application. Notice of the time and place of this public hearing shall be published once in the official newspaper and mailed to all property owners within 350 feet of the subject property. Both notices shall be given at least 10 days before the date of the hearing. The Planning Commission shall recommend to the City Council either approval, with or without conditions, or denial of the proposed minor subdivision within 60 days of when the completed application was accepted by the Planning Director. If the Planning Commission recommends that the minor subdivision be denied, the Planning Commission shall set forth the reasons for its recommendation and forward them to the applicant and the City Council.

(2) The City Council may approve the request with or without conditions, deny it, refer it back to the Planning Commission for additional input or study or require modification of the proposed minor subdivision. The City Council shall approve or deny the minor subdivision request within 120 days after the completed application has been accepted by the Planning Director.

(3) Where public agencies other than the city have some form of jurisdiction over an area included in or directly affected by a proposed minor subdivision, approval of that minor subdivision may be conditioned on satisfaction of the requirements of the outside agency. The agencies shall include but not be limited to Dakota County and Minnesota Department of Transportation, and the Minnesota Department of Natural Resources.

(D) *Filing.*

(1) If the application is approved and the city deems it appropriate, a Declaration of Minor Subdivision shall be prepared and signed by the city and all owners of the property. The Declaration of Minor Subdivision shall contain the provisions as deemed necessary by the City Council. The Declaration of Minor Subdivision shall be recorded against the property at the County Recorder's office. The minor subdivision shall not become effective until the Declaration of Minor Subdivision has been signed by all property owners and recorded with the County Recorder's office.

(2) If approval of the minor subdivision results in the creation of more lots than previously existed, the applicant shall be required to pay park dedication fees, interceptor sewer charges, and other applicable fees for each additional lot created as required by the city ordinance in effect at that time.

(3) A declaration of minor subdivision or certified copy of the resolution

waiving the platting requirements together with 1 copy of the certificate of survey, shall be recorded with the county. In addition, a copy of the certificate of survey shall be filed with the city. Proof of filing the resolution waiving the platting requirements shall also be submitted to the city prior to issuance of any building permits on the property.

(E) *Boundary/lot line adjustments.*

(1) A boundary/lot line adjustment includes, but is not limited to, transfer of title of a portion of 1 parcel to an adjacent parcel that does not result in a net increase in the number of lots.

(2) The Planning Director can administratively approve a boundary/lot line adjustment subject to the following requirements:

(a) Compliance with division (B) above;

(b) A common property line between two adjacent parcels in the same zoning district may be adjusted; provided all resulting parcels conform with the Hastings Zoning Ordinance including minimum lot area and setbacks;

(c) In case of nonconforming lot(s), a boundary/lot line adjustment shall not result in increasing the nonconformity of either lot(s); and

(d) The Planning Director can attach the conditions deemed necessary to protect the public interest.

(3) Boundary/lot line adjustments shall not be used to re-subdivide large undeveloped areas of platted property. On platted lands with less than 75 percent of lots developed into housing, boundary/lot line adjustments are limited to one division within a plat per 12-month period which results in no more than 3 lots, provided no new road is required and all lots created meet the requirements of Chapter 155.

(4) A boundary/lot line adjustment shall be deemed to occur when the deed transferring title is recorded with the County Recorder's office. (Prior Code, § 11.10) (Ord. #2011-26, passed on 11-21-11)

§ 154.11 FEES.

(A) The city shall prescribe fees sufficient to defray the costs incurred by it in reviewing, investigating, and administering an application for an amendment to an official control established, or an application for a permit or other approval as follows:

<i>Type</i>	<i>Fee</i>
Administrative Lot Split	\$50
Lot Line Rearrangement	\$50
Minor Subdivision	\$500
Final Plat	\$600
Preliminary Plat	\$500 + escrow as follows: \$3,500 (under 10 acres); \$6,500 (10 acres and greater)

(B) Fees for actions not prescribed above may be levied by the city provided they are fair, reasonable, and proportionate and have a nexus to the actual cost of the service for which the fee is imposed. (Ord. 537, passed 6-20-2005)

§ 154.98 VIOLATIONS.

Every person violates a section, subdivision, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the 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. (Prior Code, § 11.99) Penalty, see § 10.99