

SECTION 10

ADMINISTRATION AND ENFORCEMENT

SECTION:

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21-10-1: REGISTERED LAND SURVEYS: All registered land surveys shall be filed subject to the same procedures as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in these regulations shall apply to all registered land surveys. Unless the City Council approves, a registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development, if any of the tracts do not have the required frontage on a dedicated public street.

21-10-2: METES AND BOUNDS:

- A. Except in unique situations as may be allowed by the City Council, conveyances by metes and bounds shall be prohibited where any lot or lots involved are less than ten (10) acres in area or have a width of less than three hundred thirty (330) feet at the building setback line.
- B. No building permit shall be issued for any structure on any parcel of land less than ten (10) acres in area or having a width of less than three hundred thirty (330) feet on an improved public street, at a building setback line which is described by metes and bounds until a plat describing such parcel of land is filed with the Wright County Register of Deeds' Office and proof thereof is furnished to the City Council.

- C. When a conveyance by metes and bounds is made for parcels larger than ten (10) acres in size, a survey of the parcels involved shall be submitted to the Zoning Administrator before any building permits will be issued for those parcels, and a copy of the survey shall be attached to the deed when it is submitted to the Wright County Register of Deed's Office for recording.

21-10-3: UNAPPROVED SUBDIVISIONS:

- A. No conveyance of land to which these regulations are applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after 4 June 1971, or to an unapproved plat made after such regulations become effective. The foregoing provision does not apply to a conveyance if the land described:
 - 1. was a separate parcel of record on the date of adoption of subdivision regulations under Sections 394.12 to 394.37 of State Statutes.
 - 2. was the subject of a recorded written agreement to convey entered into prior to such time, or
 - 3. was a separate parcel of not less than five (5) acres and having a width of not less than three hundred (300) feet.
 - 4. was zoned for residential use and approved by the Wright County Board and a conditional use permit approved by the Wright County Planning Commission.
- B. Building permits shall be withheld for buildings on tracts which have been subdivided and conveyed by the metes and bounds method, except as set out in A. above.
- C. The City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts. Past City repair or maintenance of any such tracts does not obligate the City to continue the same in the future.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purposes of the subdivision regulations, the City Council may waive such compliance under the provisions of this Chapter and the conveyance may then be filed or recorded.

21-10-4: VARIANCES, CITY COUNCIL APPROVAL, STANDARDS:

- A. Findings: The City Council may approve a variance from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, exceptional and undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable to the public interest. In making 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 to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds that each and every one of the following apply:
1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.
 2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
 3. That the granting of the variance will not increase the flood hazard or flood damage potential.
 4. That the use proposed by the applicant would not result in a stage increase violating the requirements of Minnesota Statutes, Chapters 104 and 105, as such chapters may be amended or replaced from time to time, and any applicable requirements imposed by the Federal Emergency Management Agency.
 5. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
 6. Hardships relating to economic difficulties shall not be considered for the purpose of granting a variance.
 7. That the hardship is not a result of an action or actions by the owner, applicant or any agent thereof.

B. Procedures:

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1. Request for variances, as provided within this Section, shall be filed with the City on an official application form. Such application shall be accompanied by a fee as provided for by City Council resolution. Such application shall also be accompanied by five (5) copies large scale and thirteen (13) reduced scale (not less than 11" x 17") copies of detailed written and graphic materials fully explaining the proposed change, development, or use. If, in the opinion of the Zoning Administrator, reduced scale drawings (11" x 17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The request for variance shall be placed on the agenda of the first possible Planning Commission meeting occurring after fifteen (15) working days from the date of submission of the application. The request shall be considered as being officially submitted when all the information requirements are complied with.
2. Proof of Ownership or Authorization: The applicant shall supply proof of title and the legal description of the property for which the variance is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded or equitable ownership interest and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested variance.
3. Upon receipt of said application, the City shall set a public hearing following property hearing notification as applicable. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed to surrounding area property owners at least ten (10) days prior to the hearing. Requests affecting and located within platted areas of the City shall be noticed to all property owners within three hundred fifty (350) feet of the property in question. Requests affecting and located within non-platted areas of the City shall be noticed to all property owners within five hundred (500) feet of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
4. For properties within the Shoreland Overlay Districts, the Wild and Scenic River Corridor District, and/or the Floodway or Flood Fringe Overlay Districts, the City shall submit to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so

that the Commissioner will receive at least ten (10) day's notice of the hearing.

5. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
6. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Council.
7. The City Council, Planning Commission, and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.
8. The applicant or a designated representative thereof shall appear before the Planning Commission to answer questions concerning the proposed variance.
9. The Planning Commission shall make findings of fact and recommend approval or denial of the request. The Planning Commission shall reach a decision within sixty (60) days after the first regular meeting at which the variance request was considered by the Commission. The Commission's recommendation and the City staff's report shall be presented to the Council.
10. The City Council shall not act upon a variance or appeal until they have received a report and recommendation from the Planning Commission or until sixty (60) days after the first regular Planning Commission meeting at which the request was considered.
11. Upon completion of the report and recommendation by the Planning Commission, the request shall be placed on the agenda of the City Council for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
12. Upon receiving the report and recommendation of the Planning Commission and the City Staff, the City Council shall have the option to set and hold a public hearing if deemed necessary.

13. If, upon receiving said reports and recommendations of the Planning Commission, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
14. A variance of this Chapter shall require passage by a four-fifth's (4/5's) vote of the entire City Council.
15. Whenever an application for a variance has been considered and denied by the City Council, a similar application and proposal for the variance affecting the same property shall not be considered again by the Planning Commission or City Council for at least one (1) year from the date of its denial except as follows:
 - a. Applications are withdrawn prior to the City Council taking action on the matter.
 - b. If the City Council determines that the circumstances surrounding a previous application have changed significantly.
 - c. If the City Council decides to reconsider such matter by a four-fifth's (4/5's) vote of the entire City Council.

21-10-5: BUILDING PERMITS: No building permit shall be issued for any construction, enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of these regulations have been fully met or exceptions from this requirement have been formally established by a development contract.

21-10-6: VIOLATIONS AND PENALTY:

- A. Sale of Lots from Unrecorded Plats: It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the office of the Register of Deeds of Wright County.

- B. Receiving or Recording Unapproved Plats: It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.
- C. Misrepresentations: It shall be a misdemeanor for any person owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.
- D. Penalty: Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. Each day during which compliance is delayed or such violation continues or occurs shall constitute a separate offense and may be prosecuted as such.

³ **21-10-7: SCHEDULES OF ADMINISTRATIVE FEES, CHARGES AND EXPENSES:**

- A. Fees and charges, as well as expenses incurred by the City for engineering, planning, attorney, and other services related to the processing of applications under this Chapter shall be established by resolution of the Council and collected by the Zoning Administrator for deposit in the City's accounts. Fees shall be established for the processing of requests for platting, major and minor subdivisions, review of plans, and such other subdivision-related procedures as the Council may from time to time establish. The Council may also establish charges for public hearings, special meetings, or other such Council or Planning Commission actions as are necessary to process applications.
- B. Such fees, charges and estimated expenses (as well as a deposit, if so required by the Zoning Administrator) shall be collected prior to City action on any application. All such applications shall be accompanied by a written statement between the City and the applicant/landowner (when the applicant is not the same person or entity as the landowner, both the landowner and the applicant must sign the agreement) whereby the applicant/landowner agrees to pay all applicable fees, charges and expenses as set by Council resolution as provided above, and which allows the City to assess the above fees, charges and expenses against the landowner if such monies are not paid within thirty (30) days after a bill is sent to the applicant/landowner.

- ⁶ C. These fees shall be in addition to building permit fees, inspection fees, trunk storm water facility costs, zoning fees, charges, expenses and other such fees, charges and expenses currently required by the City or which may be established in the future.