

## SECTION 1

### GENERAL SUBDIVISION PROVISIONS

#### SECTION:

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**21-1-1: PURPOSE:** All subdivisions of land hereafter submitted shall fully comply in all respects with the regulations to:

- A. Provide for and guide the orderly, economic and safe development of land, urban services and facilities.
- B. Encourage well-planned, efficient and attractive subdivisions by establishing adequate and impartial standards for design and construction.
- C. Provide for the health, safety and welfare of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
- D. Place the cost of improvements against those benefiting from their construction.
- E. Secure the rights of the public with respect to public lands and waters.
- F. Set the minimum requirements necessary to protect the public health, safety, comfort, convenience and general welfare.

**21-1-2: SCOPE OF LEGAL AUTHORITY:**

- A. The rules and regulations governing plats and subdivision of land contained herein shall apply within the boundaries of the City of Otsego.

This Chapter is not intended to repeal, annul or in any way impair or interfere with existing provisions of other laws, ordinances or with restrictive covenants running with the land except those specifically repealed by or in conflict with this Chapter.

- B. The City shall have the power and authority to review, amend and approve subdivisions of land already recorded and on file with Wright County if such plats are entirely or partially undeveloped.

**21-1-3: ADMINISTRATION:** This Chapter shall be administered by the Zoning Administrator who is appointed by the City Council.

**21-1-4: AMENDMENTS:** The provisions of this Chapter shall be amended by the City following a legally advertised public hearing before the Planning Commission and in accordance with the law, including the rules and regulations of any applicable state or federal agency.

**21-1-5: APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS:** Before any plat or subdivision of land shall be recorded or be of any validity, it shall be referred to the City Planning Commission and approved by the City Council of Otsego as having fulfilled the requirements of this Chapter.

**21-1-6: CONDITIONS FOR RECORDING:** No plat or subdivision shall be entitled to be recorded in the Wright County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.

**21-1-7: BUILDING PERMITS:** No building permits shall be issued by the City of Otsego for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this Chapter have been fully complied with.

**21-1-8: SEPARABILITY:** If any section, subsection, sentence, clause or phrase of this Chapter is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

**21-1-9: INTERPRETATION:** The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. Where the conditions imposed by any provisions of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.
- E. All measured distances shall be expressed in feet and decimals of feet.

**21-1-10: FLOOD PRONE LANDS:**

- A. **Warning and Disclaimer of Liability for Flooding:** This Chapter does not imply that areas outside flood plain areas or land uses permitted within such districts will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Otsego or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decisions lawfully made there under.

No responsibility or liability shall arise from the design or operation of subdivision drainage facilities dedicated to the City of Otsego until the City has accepted such dedication.

- B. **Subdivision Flooding and Flood Control:** No land shall be subdivided if the Council finds the land unsuitable for subdividing due to flooding, inadequate drainage, water supply, or sewage treatment facilities in accordance with this Chapter and the Zoning Ordinance. Any building sites on lots within the flood plain district shall be at or above the regulatory flood protection elevation in accordance with this Chapter and the Zoning Ordinance. All subdivisions shall have water supply and sewer disposal facilities that comply with the provisions of this Chapter, and any applicable building, health or safety codes, including the Minnesota State Building Code. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two (2') feet below the regulatory flood protection elevation. Each of the above requirements shall take into consideration the 100-year flood profile and

other supporting technical data in the Flood Insurance Study and the Flood Insurance Rate Map.

- C. Public Utilities: All public utilities and facilities such as gas, electrical, telephone, sewer, and water supply systems to be located in the flood plain shall be elevated or floodproofed in accordance with the Minnesota State Building Code to an elevation no lower than the regulatory flood protection elevation, in accordance with state and federal agency regulations and the City's Zoning Ordinance Floodplain District.
- D. Public Transportation Facilities: Railroad tracks, roads and bridges to be located within the Floodway District shall comply with this Chapter and the Zoning Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure and interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary railroad tracks, roads, or bridges may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety and as long as such construction is in accordance with the rules and regulations of the Department of Natural Resources, State of Minnesota, the Federal Emergency Management Agency, and the City Zoning Ordinance Floodplain District.

**21-1-11: DEFINITIONS:** Except for those words and phrases defined below, the words and phrases used in this Chapter shall be interpreted to be given the meaning in common usage, so as to give this Chapter its most reasonable application.

- A. Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.
- B. Applicant: The owner, their agent, or other person having legal control, ownership and/or interest in the land proposed to be subdivided.
- C. Attorney: The attorney employed or retained by the City, unless otherwise stated.
- D. Base Lot: A lot meeting all the specifications within its zoning district prior to being divided into a subdivision of single family attached units.
- E. Bikeway: A public right-of-way or easement across a block or within a block to provide access for bicyclists and in which a path or trail may be installed.

- F. 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.
- G. Boulevard: The portion of the street right-of-way between the curb line and the property line.
- 13 G.1. Buildable Lane: All land except wetlands, public waters, trunk stormwater facilities and land dedicated for major collector or arterial roadways as defined by the Comprehensive Plan.
- H. Building: Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.
- I. Butt Lot: A lot at the end of a block, located between two corner lots.
- J. Certificate of Survey: A document prepared by a Registered Engineer or Registered Land Surveyor which precisely describes area, dimensions and location of a parcel or parcels of land.
- K. City: The City of Otsego.
- L. Clerk: The Otsego City Clerk.
- M. Comprehensive Plan: A comprehensive plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- N. Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations. "Contour interval" shall mean the vertical height between contour lines.
- O. Copy: A print or reproduction made from a tracing.
- P. Council: The City Council of Otsego, Minnesota.
- Q. County: Wright County, Minnesota.
- R. Design Standards: The specifications to landowners or those proposing to subdivide land for the preparation of plats, both preliminary and final,

indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

- S. Development: Acts relating to subdividing land, platting land, building structures and installing site improvements.
- T. Double Frontage Lot: A lot other than a corner lot which has a property line abutting on one street and an opposite property line abutting on another non-intersecting street.
- U. Drainage Course: A water course or surface area for the drainage or conveyance of surface water.
- V. Easement: A grant by an owner of land for a specific use by persons other than the owner.
- W. Engineer: The registered engineer employed or retained by the City, unless otherwise stated.
- X. Final Plat: A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Wright County for the purpose of recording.
- Y. Flood Related:
  - 1. Accessory Use or Accessory Structure: A use or structure in the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
  - 2. Equal Degree of Encroachment: Method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.
  - 3. FEMA: Federal Emergency Management Agency.
  - 4. Flood: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
  - 5. Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

6. Flood Fringe: That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City.
7. Flood Hazard Areas: The areas included in the floodway and flood fringe as indicated on the official zoning map and the Flood Insurance Study and Flood Insurance Rate Map which have been officially adopted by the City.
8. Flood Insurance Rate Map: The most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City, and as applicable and allowed by law, the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the County of Wright and dated August 4, 1988, as may be amended.
9. Flood Insurance Study: The most recent Flood Insurance Study prepared for the City by the Federal Emergency Management Agency and, as applicable and allowed by law, the Flood Insurance Study prepared by the Federal Emergency Management Agency for the County of Wright and dated August 4, 1988, as may be amended.
10. Floodplain: The areas adjoining a watercourse which have been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.
11. Floodproofing: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.
12. Floodway: The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.
13. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or

regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

14. 100-Year Flood: A flood which is representative of large regional floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted City flood study.
  15. Reach: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by the natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would be typical of a reach.
  16. Regulatory Flood Protection Elevation: A point not less than one foot (1') above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study plus any increase in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Chapter are required to be elevated or floodproofed.
  17. Structure: Anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground or in the ground in the case of earth sheltered buildings. Among other things, structures include buildings, factories, sheds, detached garages, cabins, manufactured homes, walls, fences, billboards, poster panels and other similar items.
- Z. Governing Body: The Otsego City Council.
- AA. Key Map: A small scale map which definitively shows the area proposed to be platted in relation to known geographical features (e.g., regional feature, community centers, lakes and streets).
- BB. Lot: A parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description, as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

- CC. Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
- DD. Lot Improvement: Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.
- EE. Metes and Bounds Description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.
- FF. Multiple family dwelling: A dwelling containing more than two separate living units.
- GG. Natural Water Way: A natural passageway on the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also shall include all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.
- HH. Outlot: A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit shall be issued.
- II. Owner: An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in the land sought to be subdivided.
- JJ. Parcel: An individual lot or tract of land.
- KK. Parks and Playgrounds: Public land and open space in the City dedicated or reserved for recreational purposes.
- LL. Pedestrian Way: A public right-of-way or easement across a block or within a block to provide access for pedestrians and which may be used for the installation of paths or trails.
- MM. Percentage of Grade: Along a center line of a street, the change in vertical elevation in feet and tenths of a foot for each one hundred feet (100') of horizontal distance, expressed as a percentage.
- NN. Person: Any individual or legal entity.

- OO. Planning Commission: The Otsego Planning Commission.
- PP. Preliminary Plat: A detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated submitted to the Planning Commission and governing body for their consideration, in compliance with the Comprehensive Plan, along with the required supporting data.
- QQ. Private Street: A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public and is owned by one or more private parties.
- RR. Protective Covenants: Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners.
- SS. Public Improvement: Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is or may be established.
- TT. Quadraminiums: Single structures which contain four (4) subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.
- UU. Reserve Strips: A narrow strip of land placed between lot lines and streets to control access.
- VV. Right-of-Way: Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.
- WW. Roadway: The portion of street right-of-way improved for vehicular travel.
- <sup>1</sup> WW1. Rural Service Area: That portion of the City, as defined by the Comprehensive Plan, which is currently and is intended to remain rural and agricultural in character and development.
- XX. Setback: The distance between a building and the property line nearest thereto.
- YY. Single family detached dwelling: A dwelling which is designed and constructed for and occupied by not more than one family and surrounded

by open space or yards and which is not attached to any other dwelling by any means.

- ZZ. Sketch Plan: A drawing showing the proposed subdivision of property. This plan shall be drawn to scale and dimensioned, however, exact accuracy is not a requirement.
  
- AAA. Street: A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been or is proposed to be dedicated or deeded to the public for public use and which affords principal means of access to abutting property.
  
- BBB. Streets, Arterial: Those streets carrying larger volumes of traffic and serving as links between various sub-areas of the City. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.
  
- CCC. Streets, Collector: Those streets which carry traffic from local streets to the major system of arterials and highways. Collector streets primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.
  
- DDD. Streets, Cul-De-Sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
  
- EEE. Streets, Local: A street whose primary function is to provide direct access to abutting property containing single-family dwellings and which, by design, is usually a two-lane road with parking permitted within the roadway.
  
- FFF. Streets, Marginal Access (Frontage Road): Those local streets which are parallel and adjacent to high volume arterial street and highways; and which provide access to abutting properties and protection from through traffic.
  
- GGG. Street, Right-of-Way Width: The shortest distance between the lines delineating the right-of-way of a street.
  
- HHH. Structure: Anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground or in the

ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards, swimming pools, and poster panels.

III. Subdividing: The process of effecting subdivision.

JJJ. Subdivision: The separation of an area, parcel or tract of land under single ownership into two (2) or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys for residential, commercial, industrial or other use or any combination thereof. This term includes resubdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided. Subdivision shall apply as outlined herein except for these separations:

1. Where the resulting parcels, tracts, lots or interests will be twenty (20) acres or larger in size and five hundred feet (500') in width for residential uses and five (5) acres or larger in size of commercial and industrial uses;
2. Creating cemetery lots;
3. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

KKK. Surveyor: A land surveyor registered under Minnesota State laws.

LLL. Townhouses: Structure housing three (3) or more dwelling units contiguous to each other only by the sharing of one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple apartment structures.

MMM Tracing: A plat or map drawn on transparent paper, film, or cloth which can be reproduced by using regular reproduction procedure.

<sup>8</sup> MMM1 Tree Preservation Related:

1. Diameter: The measurement of a tree's trunk measured four and one-half (4-1/2) feet above the ground.
2. Drip Line: The farthest distance away from the trunk of a tree that rain or dew will fall direction to the ground from the leaves or branches of the tree.
3. Significant Tree: A healthy tree measuring six (6) inches in diameter or greater.

4. Tree Preservation Plan: A plan certified by a forester or landscape architect indicating all of the significant trees in the proposed development or on the lot. The tree preservation plan shall include the size, species and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.
5. Tree Protection: Snow fencing or polyethylene laminar safety netting placed at the drip line of the significant trees to be preserved. The tree protection measures shall remain in place until all grading and construction activity is terminated.

NNN. Two-Family Dwelling: A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

OOO. Unit Lots: Lots created from the subdivision of single family attached dwellings having different minimum lot size requirements than the conventional base lot within the zoning district.

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OO1. Urban Service Area: That portion of the City, as geographically defined by the Comprehensive Plan, which is or has the future potential for development at urban densities and/or urban uses and in which urban improvements may be required.

PPP. Zoning Administrator: The person duly appointed by the City Council as the individual charged with the responsibility of administering and enforcing this Chapter.

QQQ. Zoning Ordinance: The Zoning Ordinance or resolution controlling the use of land as adopted by the City.

