



→ **CITY OF RUSHFORD VILLAGE (CRV)**

**SUBDIVISION ORDINANCE: ORDINANCE NO. 11**

Public Hearing: 12-15-2015, Amended: 12-15-2015, Published: 03-31-2016

Original Adoption 1994, Amended: 10-2005, 03-27-2012.

**AN ORDINANCE PROVIDING FOR THE ORDERLY, ECONOMIC, AND SAFE  
DEVELOPMENT OF LAND IN the CITY OF RUSHFORD VILLAGE.**

See CRV Ordinance No 5 as amended for more specific and General Regulations.

**SECTION 100. PURPOSE, SCOPE, and AUTHORITY.** These subdivision regulations are adopted for the purpose of safeguarding the public health, safety and general welfare by providing for orderly, safe and sanitary housing and other development in the City of Rushford Village and shall apply in all zoning districts, except Protected Agriculture (P-A, see Ordinance 5, Section 600).

**SUBSECTION 101. QUARTER / QUARTER RULE.** A subdivision may be located in the same quarter-quarter as a pre-existing single family dwelling, however, another single family dwelling shall not be located in the same quarter-quarter as a pre-existing subdivision. A new subdivision may be established contiguous to an existing subdivision when all other requirements of this Ordinance are met.

**SUBSECTION 102. ORDERLY DEVELOPMENT.** These regulations for the subdivision and platting of land within the City of Rushford Village, Minnesota, encourage well planned subdivisions by the establishment of design and construction criteria, will improve land records by establishing standards for surveys and plats, provide protection for the environmentally sensitive areas, establish procedures for the approval and the recording of subdivision plats, and provide for violations thereof. The subdivision and platting of land within the City of Rushford Village shall also be subject to all other CRV zoning and land use ordinances, as applicable, including those adopted or under preparation by the Rushford Village Planning and Zoning Commission, including the Comprehensive Land Use Plan, Community Facility Plan, Official Map, overlay districts and other applicable documents.

The City Council of the City of Rushford Village, Minnesota in accordance with the authority granted by Minnesota statute 462.358, as amended, does ordain:

**SECTION 200. TITLE.** These regulations and provisions shall be known as the City of Rushford Village Subdivision Ordinance, Ordinance No. 11.

**SECTION 300. DEFINITIONS.** For the purpose of these subdivision regulations, the definitions shall apply that are found in Section 300 of Ordinance No. 5, City of Rushford Village Zoning Ordinance, as amended.

**SECTION 400. ADMINISTRATION, APPLICATION, AND FEES.**

**SUBSECTION 401. PLATTING AUTHORITY.** The Rushford Village Council and Planning and Zoning Commission shall act as the platting authority for approval of preliminary and final plats of land subdivisions. The Planning and Zoning Commission is hereby authorized and directed

to assist the Council in the review of plats and the administration of this ordinance and to exercise the powers and duties granted it herein.

**SUBSECTION 402. ZONING.** Hereafter, before approval, all land subdivisions, as defined herein, shall first be properly zoned for the proposed use.

**SUBSECTION 403. LAND SUITABILITY.** Each lot created through subdivision must be suitable in its natural state for the proposed use with no alteration as provided in Ordinance 5 Section 1500. Landowner shall provide to the City of Rushford Village, a Suitability Analysis which shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography (slope must be 12% or less), inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community subject to Rushford Village Ordinances, and any applicable County, State or Federal regulations.

**SUBSECTION 404. PROTECTED AGRICULTURE.** Subdivision is not permitted in the Protected Agriculture District (Ord.5, 600) which is established to preserve for the long-term, the present agricultural lands, maintain other lands in a natural state, and permit very low density residential development. This District is intended to include lands as identified on the Official Zoning Map that are continuing in or have the potential of being used for Production Agriculture or Forestry and shall include CRV all of Sections 4, 5, 6, 7, 8, 9, 17, 18, 20, 25, 27, 28, 33, 34, and 36, and part of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 26, 29, 30, 31, 32, and 35.

**SUBSECTION 405. CONCEPT PLAN and PREAPPLICATION MEETING.** Prior to the preparation of a preliminary plat, the owners of land proposed to be subdivided in the City of Rushford Village shall prepare a Concept Plan and meet with the CRV Planning and Zoning Administrator also known as the Administrative Official, the Planning and Zoning Commission, and any other agency that may have applicable ordinances, regulations, and plans in the area to be subdivided. The Subdivider / Developer or owners must meet with the Administrative Official to review the Concept Plan and sketches of the proposed subdivision as well as to review procedures and requirements of this and other applicable Ordinances.

**SUBSECTION 406. APPLICATION REQUIRED.** Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the Owner who is the Subdivider / Developer or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with this Ordinance, which application shall not be complete without a preliminary plat.

**SUBSECTION 407. FEES, FINANCIAL SECURITY.** Application, Rezoning, and Recording fees, as applicable and as set by resolution of the Rushford Village Council, shall be paid by the Subdivider / Developer at the time of such application(s). A minimum level of financial security, which may require a deposit, shall be required at the time of application to cover the projected City

of Rushford Village costs for Project Planning, Engineering and/or other Professional Fees. Payments for the balance of fees over the minimum may be staged as the project progresses.

407.01. A **Performance bond** may be required to protect the public interest and/or to protect or restore public infrastructure. Such costs shall include, but are not limited to, costs related to the preliminary and final plats and plans, including review of the plats and plans by the Administrative Official, Planning and Zoning Commission, City Council and Engineer, publishing and mailing notice of the public hearing, legal and recording fees.

407.02. **Improvement and maintenance security.** Prior to the acceptance of required improvements by the city, a maintenance warranty bond in the amount of ten percent (10%) of the construction cost estimation of all such improvements shall be filed with the city. Such bond shall be for a one (1) year period of time commencing at the date of the city's acceptance, and shall cover all improvements installed by the subdivider. Where the required improvements have not been completed prior to the submission of the final plat, the approval of such plat shall be subject to the subdivider guaranteeing the installation of such improvements through one (1) of the following methods:

407.02.01. Filing a performance or surety bond in the amount of one hundred ten percent (110%) of the construction cost estimation of any unfinished portion of the required improvements.

407.02.02. Depositing or placing in escrow a certified check, cash or other acceptable pledge or security, in the amount of one hundred ten percent (110%) of the construction cost estimation of any unfinished portion of the required improvements.

#### **SUBSECTION 408. GENERAL SUBDIVISION RULES.**

408.01. All subdivisions in the City of Rushford Village are subject to the provisions of this Ordinance and to Minnesota Statutes Chapter 505 which regulates the subdivision of land.

408.02. All subdivision plats lawfully approved and recorded prior to the effective date of this Ordinance shall not be subject to the provisions contained herein.

408.03. The City Council of the City of Rushford Village must approve all property divisions, splits or simple splits in the City of Rushford Village and such written approval shall be recorded with the Fillmore County Recorder before the split will be allowed.

408.04. All property divisions must be accompanied by a Certificate of Survey with legal description(s) attached to the document that divides or splits a whole parcel or multiple parcels and conveys land described by legal description(s). The Certificate of Survey shall state the total number of acres being split out on the conveyance document and also the number of acres split out of each parcel, each section and quarter of a quarter section if applicable.

408.05. No Land Use or Zoning Permit shall be issued for construction until all requirements of this Ordinance are fully complied with and a Final Plat is approved and recorded.

408.06. Unless approved as a final plat as provided herein, no subdivision shall be entitled to be recorded with the Fillmore County Recorder or have any validity.

408.07. No public improvements are to be installed and no services shall be provided until the Final Plat is approved by the City Council and duly recorded.

408.08. Cluster housing or dwellings may be allowed through the Subdivision process by definition in Section 300 of Ordinance No. 5, City of Rushford Village Zoning Ordinance, as amended, provided that such cluster housing or dwellings meets all requirements of the CRV Zoning and Land Use Ordinances, and all other applicable laws.

**SECTION 500. PRE-PLATTING RULES and REGULATIONS.** All City Ordinances, including Ordinance No. 5 and the following rules and regulations must be adhered to before a Preliminary and Final Plat may be approved. Failure to comply with these rules and regulations will be grounds for rejection of the Subdivision application.

**SUBSECTION 501. PRE-PLATTING RULES.**

501.01. Evidence of property ownership by abstract of title or certificate of torens title, accompanied by an attorney's title opinion or a title insurance policy.

501.02. A Certificate of Survey that shall state the total number of acres being split out on the conveyance document and also the number of acres split out of each parcel, each section and quarter of a quarter section if applicable.

501.03. Subdivider / Developer must present a concept plan as preliminary evidence that the parcel or area to be subdivided can accommodate the number of lots proposed while meeting all requirements of this Ordinance. Subdivision development may be staged within a single approved and recorded Final Plat.

501.04. Lot size must meet minimum requirement(s) of applicable zoning district.

501.05. See Ordinance No. 5 for Land Alteration, Access and driveways, Dwelling / General Building Standards, Lot Dimensions, Area, Setbacks, Height, Slope, Yard, Lot Coverage and other regulations.

501.06. All Subdivisions must abut a paved or hard surface public street or road which shall serve as ingress and egress to the subdivision. Within the subdivision, there must be a bituminous roadway that is the ingress and egress road for each lot within the subdivision, which must be completed before the subdivision roadway(s), can be dedicated to the public.

501.07. All streets or roads in the Subdivision must meet current state and local regulations for road construction and must be completed prior to the City of Rushford Village accepting the road, subject to the conditions of the Final Plat. (See Section 800 of this Ordinance)

501.08. All roads shall be designed by a registered engineer licensed with the State of Minnesota and all road designs shall be approved in writing by the City Engineer.

501.09. An overall stormwater management / volume control plan and a grading / drainage plan shall be submitted for the subdivision as a whole. Grading and drainage patterns and any drainage easements shall be required for subdivisions with smaller lots where public sewer and water utilities are available. All shall be approved in writing by the City Engineer

501.10. The developer must obtain all applicable state and local permits.

501.11. All water wells and sewer systems must be constructed in accordance with the rules and regulations as established by the Minnesota Department of Health and the Minnesota Pollution Control Agency, and as administered by Fillmore County.

501.12. Where available, public sewer and water utility services must be brought to the lot line of each lot at the expense of the subdivider or developer according to the approved plans and plat.

501.13. Easements of not less than twenty (20) feet shall be provided as necessary for public utilities,

501.14. Plans and Specifications shall be provided by the City at the Subdivider / Developer's cost for any public infrastructure.

#### **SECTION 600. REQUIREMENTS for PRELIMINARY and FINAL PLATS.**

**SUBSECTION 601. DATA for PRELIMINARY PLAT.** The following items must be on the Preliminary Plat:

601.01. Name of Subdivision. Name shall not be similar in spelling or pronunciation to any other plat previously recorded. The name must be approved by the Administrative Official and Planning and Zoning Commission and City Council.

601.02. Location by section, township, range and by legal description.

601.03. Name of Municipality, i.e., City of Rushford Village.

601.04. Names and addresses of the record owner and any agent having control of the land, Subdivider / Developer, land surveyor, engineer, and designer of the plan.

601.05. Graphic scale not less than one inch to 100 feet.

601.06. North Point.

601.07. Date of preparation.

601.08. Surveyed boundary line of Subdivision.

601.09. Acreages and dimensions of lots.

601.10. Location, right of way width, and names of existing or platted streets, or other public lands, permanent buildings and structures, easements and section and corporate lines within the plat.

601.11. Boundary lines of adjoining un-subdivided or subdivided land, within 150 feet, identified by name and ownership, including all contiguous land owned and controlled by the Subdivider / Developer.

601.12. A copy of the ground topography map of the Subdivision site and all lands within 1/2 mile.

601.13. Each lot shall show the site where an onsite sewer system shall be located. This site shall be shown to be acceptable by soil borings and or other data acceptable to the Fillmore County Zoning Administrator that shows each lot does have a site that can be used for an onsite sewer system.

601.14. Layout of proposed streets showing right of way widths, centerline gradients, and names of streets.

601.15. Layout, numbers, and dimensions of lots and blocks.

601.16. Building setback lines.

601.17. Utility easements.

601.18. Dedicated park land or any other areas intended for public use.

**SUBSECTION 602. DATA for FINAL PLAT.** The following items must be on or attached to the Final Plat:

602.01. The Final Plat shall be prepared by a professional land surveyor who is licensed in the State of Minnesota and shall comply with the provisions of Minnesota Statute 505 and this Ordinance.

602.02. Title opinion by an attorney at law, licensed in the State of Minnesota, based upon an examination of an abstract of the records of the Fillmore County Recorder for the lands included in the plat and showing the title to be in the name of the owner that is the Subdivider / Developer. (The owner would hire surveyor, engineers, etc., but the owner would still be /is still the developer or subdivider.).

602.03. The Final Plat may be on several sheets provided they are numbered and a key map is provided on the sheets showing the entire subdivision.

602.04. The Final Plat will have incorporated all changes and modifications required and in all other respects conform to the approved Preliminary Plat which the Subdivider / Developer proposed to record and develop. The Final Plat shall have the official form required for the granting of approval.

## **SECTION 700. PLATTING PROCEDURES.**

### **SUBDIVISION 701. PRELIMINARY PLAT.**

701.01. Following a Pre-Application Meeting and Application for a Subdivision, and prior to the subdividing of land, the owner of the land, who is the Subdivider / Developer or his duly authorized agent shall file with the Administrative Official at least thirty (30) days prior to the next regularly scheduled Planning and Zoning Commission meeting, **a minimum of eight (8)** copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in this Ordinance and State Statutes. All applicable fees shall have been paid at the time of submission of the application (Subsection 407 of this Ordinance).

701.02. The Administrative Official shall place the proposal on the agenda of the next regular meeting of the Planning and Zoning Commission.

701.03. One copy of the Preliminary Plat shall be given to each of the following for their written review and comments:

701.03.01. City Engineer

701.03.02. Planning and Zoning Commission

701.03.03. Any Municipality within 2 miles of the proposed project

701.03.04. Any Township within 2 miles of the proposed project

701.03.05. City Council

701.03.06. County Recorder

701.03.07. Any other appropriate State, County, or Local agency (regarding wells, septic systems, stormwater plans, highway access, etc.)

701.04. Within one hundred twenty (120) days of receipt of a completed application with preliminary plat, a public hearing date shall be set to take testimony on the Preliminary Plat, and Preliminary Plat approval or disapproval will follow. (MN Statute 462.358)

701.05. The Planning and Zoning Commission may make a favorable or unfavorable recommendation to the City Council.

701.06. The Planning and Zoning Commission shall also recommend the type and amount of Financial Security or Bond required prior to receiving approval of the Final Plat based on an estimate of 125% of the cost of completion of the Subdivision as provided by the City Engineer in writing, to ensure project completion.

701.07. In the case of all subdivisions, the Planning and Zoning Commission shall recommend denial of, and the City Council shall deny, approval of a Preliminary Plat if it makes any of the following findings:

701.07.01. That the proposed subdivision is in conflict with adopted applicable general and specific plans of the City of Rushford Village or Fillmore County.

701.07.02. That the design or improvement of the proposed subdivision is in conflict with any adopted component of the Comprehensive Plan of the City of Rushford Village or Fillmore County.

701.07.03. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development desired.

701.07.04. That the site is not physically suitable for the proposed improvements and is likely to cause serious public health or safety problems.

701.07.05. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.

701.07.06. Any other applicable requirements by Local, County, State or Federal statutes.

701.08. If the Preliminary Plat is not approved:

701.08.01. When modifications to the preliminary Plat are required, the steps for submitting such modifications and action on the preliminary plat shall then be repeated, or,

701.08.02. The Subdivider / Developer may appeal to the Council to overrule such disapproval.

701.08.03. The Council shall consider such appeal within thirty (30) days and may overrule the Planning and Zoning Commission and then consider action approving the preliminary plat itself or refer it back to the Planning and Zoning Commission to require additional modifications to the preliminary plat.

#### **SUBSECTION 702. FINAL PLAT:**

702.01. The full amount of Financial Security or Bond must be paid by the landowner or developer to the City Clerk before the Final Plat is brought to the Planning and Zoning Commission for consideration, **If said Financial Security is a Deposit, said Deposit shall be deposited in an Escrow account in the official depository of the City.**

702.02. The City Engineer shall review and provide a letter of approval for the Final Plat **in its entirety** before the Final Plat is submitted to the Planning and Zoning Commission for its consideration.

702.03. Following the City Engineer's written approval, **a minimum of eight (8)** copies of the Final Plat must be submitted to the Administrative Official with a Request for Final Plat Approval fourteen (14) days before the scheduled date the Planning and Zoning Commission is to take up the issue of approving the Final Plat.

702.04. The Planning and Zoning Commission shall make a recommendation to the City Council whether to approve or disapprove the Final Plat.

702.05. The City Council shall approve or disapprove the final plat within sixty (60) days of the Request for Final Plat Approval, and, **if approved**, shall sign the Plat to be recorded. (MN Statute 462.358)

702.06. The City shall record the Final Plat with the Fillmore County Recorder within thirty (30) days of the approval by all necessary parties at which time lots may be sold to perspective buyers. **The Subdivider / Developer shall cover the cost of such recording.**

702.07. Protective covenants shall be recorded with the Final Plat.

702.08. Deed(s) to land(s) offered for park, playground or other public purposes shall be recorded with the Final Plat.

702.09. Easement(s) for public utilities or other public purposes shall be recorded with the Final Plat.

702.10. If the Final Plat is not approved, the grounds for Council disapproval of a final plat shall be set forth in the proceedings of the Council and shall be reported to the Subdivider / Developer. No final plat of a subdivision, the preliminary plat of which was disapproved by the Planning and Zoning Commission shall be approved by the Council, except that any subdivider may appeal to the Council to overrule such disapproval as described in Subdivision 701.8 herein.

**SECTION 800. RETURN of DEPOSIT / FINANCIAL SECURITY / BOND.** In order to recover the financial security and/ or Bond deposited with the City Clerk in the official depository of the City of Rushford Village, all of the following must be completed and approved according to approved plans and the Final Plat.

800.01. All streets must be installed according to the approved plans and plat.

800.02. All shared wells must be installed according to the approved plans and plat.

800.03. All utilities must be installed according to the approved plans and plat.

800.04. All streets shall have a minimum depth and width of bituminous pavement according to the approved plans and plat, and Ordinance 5, Section 1500 General Regulations.

800.05. All street name signs must be installed according to the approved plans and plat.

800.06. All required improvements must be completed and approved in the Subdivision before any deposit, financial security or bond may be released or returned to the Subdivider / Developer.

800.07. The City Engineer shall have recommended approval and acceptance of completion of all of the street and utility improvement as required above. The City Council shall have accepted dedication of the completed street(s) or stipulated in writing that the return of deposit, Financial Security or Bond shall be held until all required improvements are completed.

**SECTION 900. VIOLATIONS AND PENALTIES.** Any person, firm or corporation violating any provision of this ordinance shall be charged with a misdemeanor and shall be subject to a maximum penalty for a misdemeanor in accordance with the statutes of the State of Minnesota. Each day of such violation shall constitute a separate offense. The municipality may enjoin any action deemed in violation of this ordinance.

**SECTION 1000. AMENDMENTS.** The City of Rushford Village Council may amend this ordinance, as deem necessary, according to the procedures prescribed by law for amending an ordinance.

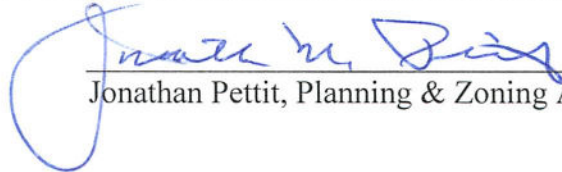
**SECTION 1100. SEVERABILITY / VALIDITY.** Sections, sub-sections, clauses, provisions and portions of this Ordinance are deemed to be severable and should any section, subdivision, clause, provision, or portion be declared by a court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 1200. REPEAL.** All previously recorded Subdivision Ordinances or references to Subdivision Ordinances are hereby repealed.

**SECTION 1300. EFFECTIVE DATE.** This Ordinance shall become effective upon its passage and publication and a certified copy shall be filed with the Fillmore County Recorder, as provided by law.

RECOMMENDED by the City of Rushford Village Planning and Zoning Commission:

Date: 12-15-2015

  
Jonathan Pettit, Planning & Zoning Administrator

ADOPTED by the City Council of Rushford Village this 15<sup>th</sup> day of December, 2015.

APPROVED:   
Gordon Johnson, Mayor

ATTEST:   
Kristina A. Mart, Clerk

EFFECTIVE on PUBLICATION: March 31<sup>st</sup>, 2016 in the Tri-County Record