

CITY OF RUSHFORD VILLAGE
SUBDIVISION ORDINANCE: ORDINANCE NO. 11
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

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).

SUBDIVISION 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.

SUBDIVISION 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 hereof/thereof. The subdivision and platting of land within the City of Rushford Village shall also be subject to all other City of Rushford Village zoning and land use ordinances, as applicable, including those adopted or under preparation by the Rushford Village Council, Zoning Board of Adjustment or Planning Commission, including the Land Use Plan, Community Facility Plan, Official Map, overlay districts.

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.

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.

SUBDIVISION 401. PLATTING AUTHORITY. The Rushford Village Council and Zoning Board of Adjustment shall act as the platting authority and Planning Commission for administration of this ordinance and approval of preliminary and final plats of land subdivisions, unless and until it shall elect to appoint a Rushford Village Planning Commission as the platting

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authority. If appointed, the Planning 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.

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

SUBDIVISION 403. LAND SUITABILITY. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. 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, Ordinance 5, Section 1500), 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, County, State or Federal regulations.

SUBDIVISION 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.

SUBDIVISION 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 City of Rushford Village Zoning Administrator and Zoning Board or Planning 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 Zoning Administrator to review the Concept Plan and sketches of the proposed subdivision as well as review procedures and requirements of this Ordinance.

SUBDIVISION 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 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.

SUBDIVISION 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. 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. 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, including review of the plats by the Zoning Administrator, Zoning Board, City Council and Engineer, publishing and mailing notice of the public hearing, legal and recording fees.

SUBDIVISION 408. GENERAL SUBDIVISION RULES.

408.01 All subdivisions in the City of Rushford Village are subject to the provisions of this Ordinance and to the Minnesota Statutes Chapter 505 which regulates 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 filed with the Fillmore County Recorder/Auditor before the split will be allowed.

408.04 All property divisions must be accompanied by a Certificate of Survey attached to the document that divides or splits a whole parcel or multiple parcels and conveys land described by metes and bounds description. 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 City of Rushford Village Zoning and Land Use Ordinances, and all other applicable laws.

SECTION 500. PRE-PLATTING RULES and REGULATIONS. All City Ordinances, including Ordinance #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.

SUBDIVISION 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 preliminary evidence (concept plan) 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 of applicable zoning district.

501.05 All lots must have a minimum frontage width of 66 feet on a public road, and a minimum width of 100 feet at the front building line.

501.06 All lots must maintain as much vegetation as possible. Clear cutting is prohibited.

501.07 All Subdivisions must abut a paved or hard surface public street or road with the inhabitants of the subdivision entering into and leaving from the subdivision without passing over a public road that is not blacktop or concrete.

501.08 All streets in the Subdivision must meet current state and local regulations for road construction and must be paved prior to the City of Rushford Village accepting the road or subject to the conditions of the Final Plat.

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

501.10 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 by the City Engineer

501.11 The developer must obtain all state and local storm water permits.

501.12 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.

501.13 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.

501.14 Easements of not less than 20 feet shall be provided as necessary for public utilities,

501.15 Plans and Specifications shall be provided for any public infrastructure.

SECTION 600. REQUIREMENTS for PRELIMINARY and FINAL PLATS.

SUBDIVISION 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 Zoning Administrator and Zoning Board / Planning Commission.

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

601.03 Name of Municipality.

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.

SUBDIVISION 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 registered /licensed in the State of Minnesota and shall comply with the provisions of Minnesota State 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 Subdivider / Developer.

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 shall file with the Zoning Administrator at least 30 days prior to the next regularly scheduled Zoning Board or Planning 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 (Subdivision 407).

701.02 The Zoning Administrator shall place the proposal on the agenda of the next regular meeting of the Zoning Board or Planning Commission.

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

- a. City Engineer
- b. Zoning Board / Planning Commission
- c. Any Municipality within 2 miles of the proposed project
- d. Any Township within 2 miles of the proposed project
- e. City Council
- f. County Recorder
- g. Any other appropriate State, County, or Local agency (regarding wells, septic systems, stormwater plans, highway access, etc.)

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

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

701.06 The Zoning Board / Planning 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 to ensure project completion.

701.07 In the case of all subdivisions, the Zoning Board / Planning Commission shall recommend denial of, and the City Council shall deny, approval of a preliminary plat if it makes any of the following findings:

- a. That the proposed subdivision is in conflict with adopted applicable general and specific plans of the City of Rushford Village/Fillmore County.
- b. 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 / Fillmore County.
- c. 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.
- d. That the site is not physically suitable for the proposed improvements and is likely to cause serious public health or safety problems.
- e. 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.
- f. Any other applicable requirements by Local, County, State or Federal statutes.

701.08 If the Preliminary Plat is not approved:

- a. When modifications to the preliminary Plat are required, the steps for filing/submitting and action on the preliminary plat shall then be repeated, or
- b. The Subdivider / Developer may appeal to the Council to overrule such disapproval.
- c. The Council shall consider such appeal within 30 days and may overrule the Zoning Board / Planning Commission and then consider action approving the preliminary plat itself or refer it back to the Zoning Board / Planning Commission to require a modified preliminary plat.

SUBDIVISION 702. FINAL PLAT:

702.01 [See 407] 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 Zoning Board / Planning 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 must approve the plat **in its entirety** before the Zoning Board / Planning Commission considers the Final Plat and a letter of approval must be procured from the City Engineer before the Final Plat is submitted for review.

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

702.04 The Zoning Board / Planning 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 Subdivider / Developer shall record the Final Plat with the Fillmore County Recorder within 30 days of the approval of all necessary parties at which time lots may be sold to perspective buyers. Failure to record the plat in the allotted time will be a violation of this Ordinance. **The subdivider / developer shall provide evidence to the City 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 Commission shall be approved by the Council, except that any sub divider 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 must be paved according to the approved plans and plat.

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.

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.

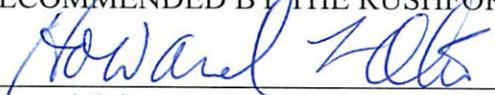
SECTION 1000. AMENDMENTS. The City of Rushford Village Council may amend this ordinance, as deem necessary, according to the procedures prescribed by law for amending an ordinance.

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.

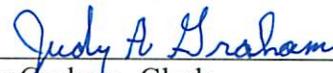
RECOMMENDED BY THE RUSHFORD VILLAGE ZONING BOARD OF ADJUSTMENT:


Howard Otis – Zoning Administrator


Joyce Iverson, CEDA

ADOPTED BY THE CITY COUNCIL OF RUSHFORD VILLAGE THIS 27TH DAY of MARCH, 2012 with modifications, ON MOTION BY OVERLAND, 2nd BY PETERSEN AND CARRIED UNANIMOUSLY.

APPROVED 
Dale Schwanke – Mayor

ATTEST: 
Judy Graham, Clerk

SUMMARY WAS PUBLISHED IN THE TRI-COUNTY RECORD ON THE 12TH DAY OF JULY, 2012.



City of Rushville
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