

## ARTICLE 3

### GENERAL PROVISIONS

#### SECTION

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**30-03-01: COMPLIANCE WITH COMPREHENSIVE PLAN, ZONING ORDINANCE, AND OFFICIAL MAP:** No subdivision of land shall conflict with the provisions of the Comprehensive Plan, Zoning Ordinance, or Official Maps.

**30-03-02: FEES:** The fees for all applications and for all permits shall be established by the City Council by ordinance. The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until a complete application has been filed and the appropriate fees have been paid.

**30-03-03: REGISTERED LAND SURVEYS:** All registered land surveys shall be filed with the Zoning Administrator and forwarded to the City Council for review and approval. The City Council shall review and approve Registered Land Surveys prior to recording with Hennepin or Wright County. The purpose of the Registered Land Survey is to provide a means to simplify a lengthy, complicated legal description via a picture of the site and tract letter and survey number. A Registered Land Survey shall not replace platting requirements of this Chapter but shall be used only as a means to simplify complicated legal descriptions as ordered by the Hennepin or Wright County Registrar of Deeds as part of a torrens title procedure. 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.

**03-03-04: CONVEYANCE BY METES AND BOUNDS:**

- A. Pursuant to the provisions of Minnesota Statutes Section 462.358, Subdivision 4, as may be amended, no conveyance of land within the City 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 April 21, 1961, or

to an unapproved plat made after February 7, 1977. The foregoing provision does not apply to a conveyance if the land described:

1. Was a separate parcel of record April 1, 1945, or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter; or
  2. Was the subject of a written agreement to convey entered into prior to such time; or
  3. Was a separate parcel of not less than two and one-half (2.5) acres in area and one hundred fifty (150) feet in width on January 1, 1966; or
  4. Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980; or
  5. Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width; or
  6. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two (2) or more lots, any one of which is less than twenty (20) acres or five hundred (500) feet in width.
  7. An Administrative Subdivision as allowed by the terms of this Chapter.
- B. With the exception of single-family parcels of record, no building permit shall be issued for any structure on any parcel of land that is described by metes and bounds until a plat describing such parcel of land is filed and approved by the City.
- C. In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this Chapter, the Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provision of this Section shall forfeit and pay to the City a penalty (the maximum penalty allowed under the law) for each lot or parcel so conveyed. The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

**30-03-05: BUILDING PERMITS:** No building permit shall be issued by the City for any construction, enlargement, alteration, repair, demolition or moving of any building, structure or improvements on any lot or parcel until all the requirements of this Chapter have been fully met or exceptions from this requirement have been formally established by a development contract.

- A. Prior to issuance of any building permit on any lot within a subdivision, the City of Hanover shall have received a site survey showing proposed grading, drainage, and building pad elevations along with a certification by a registered land surveyor or engineer that the survey is in compliance with the approved subdivision record plans for grading, drainage, storm water, and erosion control.
- B. Prior to the issuance of any certificate of occupancy for any lot within the subdivision, the City of Hanover shall have received a written certification from a registered land surveyor or registered engineer which states that the grading, drainage and building pad elevations are in compliance with the final certified grading plan for the subdivision.
- C. Building permits shall not be issued for new subdivisions until such a time as all of the final plat punch list items have been completed by the developer and accepted by the City.
- D. Unplatted Parcels: This Chapter applies to parcels which are taken from existing parcels of record by metes and bounds descriptions, and building permits will be denied for any parcels so divided, pending compliance with this Chapter.

**30-03-06: VARIANCES:** The City Council may approve variances from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, exceptional and undue hardship may result from strict compliance.

- A. 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 the 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 vicinity in which the development site 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 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. Hardship 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. Procedure. The procedures for processing variance applications shall comply with Article 20-18-00 (Variance) of the Hanover Zoning Ordinance, as may be amended.
- C. Special Application Requirements: Application for any such variance shall be made in writing by the developer at the time that the preliminary plat is filed for the consideration of the Planning Commission and City Council, stating fully and clearly all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission and City Council in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

**30-03-07: PREMATURE SUBDIVISION:** Any concept plan, preliminary plat, final plat deemed premature pursuant to the following criteria shall be denied by the City Council:

- A. Conditions for Establishing a Premature Subdivision. A subdivision may be deemed premature should any of the following conditions not be met:
1. Consistency with the Comprehensive Plan including any of the following:
    - a. Land use plan.
    - b. Transportation plan.

- c. Utility (sewer and water) plans.
  - d. Local water management plan.
  - e. Capital improvement plan.
  - f. Growth management policies.
2. Consistency with Development Financing Policies. A proposed subdivision shall meet the following:
- a. The cost of utilities and street extensions must be covered by one or more of the following:
    - (1) One hundred (100) percent of the street and utility costs are privately financed by the developer.
    - (2) The cost of regional and/or oversized trunk utility lines can be financed by the developer and reimbursed when development occurs within the service area.
    - (3) The cost and timing of the expenditure of City funds is consistent with the City's capital improvement plan.
  - b. The cost, operation and maintenance of the utility system are consistent with the normal costs as projected by the City Engineer.
  - c. The developer payments will offset additional costs of utility installation or future operation and maintenance.
3. Roads or Highways to Serve the Subdivision. A proposed subdivision shall have adequate roads or highways when:
- a. Traffic generated by a proposed subdivision will not degrade the level of service outside of the proposed subdivision to a level worse than the existing level of service.
  - b. The existing level of service must be D or better for any street providing access to the subdivision. If the existing level of service is E or F, the subdivision developer must provide, as part of the proposed project, improvements needed to ensure a level of service D or better.
  - c. Existing roads providing access to the subdivision have the structural capacity to accommodate projected traffic from the proposed subdivision or the developer will pay to correct any structural deficiencies.

- d. The traffic generated from a proposed subdivision shall not require City street improvements that are inconsistent with the Hanover Capital Improvement Plan or the developer shall pay to correct any street deficiencies.
4. Water Supply. A proposed subdivision shall be deemed to have an adequate water supply when:
    - a. The Joint Water Board water system has adequate wells, storage, or pipe capacity to serve the subdivision.
    - b. The water utility extension is consistent with the Joint Water Board Plan and offers the opportunity for water main looping to serve the subdivision.
    - c. The extension of water mains will provide adequate water pressure for personal use and fire protection.
  5. Waste Disposal Systems. A proposed subdivision shall be served with adequate waste disposal systems when:
    - a. The City has sufficient utility service area and pipe capacity to serve the subdivision if developed to its maximum density.
    - b. The subdivision will result in a sewer extension consistent with Hanover Sewer Plan and Capital Improvement Plan.

**30-03-08: PLANNED UNIT DEVELOPMENT (PUD).** In recognition of changing trends, techniques and materials in the process of urban development, the City Council and Planning Commission shall provide flexible means to permit development in terms of planned unit development. A planned unit development shall be considered as a conditional use and may involve mixed development of a single parcel based upon the land uses allowed in the Comprehensive Plan. The PUD shall be reviewed and adjudged in accordance with an integrated design and coordinated physical development which shall provide for and ensure high standards of development. Each application for PUD shall be considered as an individual case and shall be reviewed in terms of its land use, circulation and traffic patterns, population and marketability, construction design, and timing. Of greatest concern shall be the PUD's relationship to the general public health, safety, convenience and welfare. A conditional use to allow PUD construction shall be granted only if:

- A. The PUD is designed to be in harmony with the natural features of the landscape. Steep slopes, wetlands, and natural features are to be preserved to the maximum extent possible. No disruption of the natural drainage system shall occur.

- B. Any PUD flexibility granted shall not violate the intent of the Subdivision Design Standards of this Chapter.
- C. Utility lines such as power transmission and telephone lines shall be placed underground.