

**CITY OF SILVER LAKE
ORDINANCE CODE**

**CHAPTER 14
PART 2**

SUBDIVISION ORDINANCE

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Section 1.00. GENERAL PROVISIONS AND DEFINITIONS

Subd.1. TITLE. This ordinance shall be known and may be cited as the "Subdivision Ordinance for the City of Silver Lake, McLeod County, Minnesota" and its provisions shall apply to all lands to be subdivided within the municipal limits as they exist on the date the municipality adopts this ordinance, or within the limits as they may be extended in the future. Hereafter this ordinance shall be referred to as the "Subdivision Ordinance".

Subd.2. PURPOSE. Any person platting, replatting or dividing property for purposes of transfer of title or separate description shall do so under the provisions of this ordinance. The Subdivision Ordinance sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically, the provisions of this ordinance are designed to:

- (A) Assure that to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence.
- (B) Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters.
- (C) Encourage well-planned subdivisions through the establishment of adequate design standards.
- (D) Discourage inferior developments that might adversely affect the local tax base.
- (E) Create neighborhoods that will be of lasting credit to the community.
- (F) Facilitate adequate provisions for transportation and other public facilities.
- (G) Secure the rights of the public with respect to public lands and waters.
- (H) Improve land records by the establishment of standards for surveys and plats.
- (I) Safeguard the interests of the public, the homeowner, the subdivider and units of local government.
- (J) Provide a common ground for understanding between developers and local units of government.
- (K) Prevent, where possible, excessive governmental operating and maintenance costs.
- (L) Assure the availability of utilities adjacent to planned development.

Subd.3. LEGAL AUTHORITY. This ordinance is enacted pursuant to Section 462.358, Laws of Minnesota, 1959, as amended.

Subd.4. ADMINISTRATION. The Subdivision Ordinance shall be administered by the City Council after review and recommendation by the Planning Commission.

Subd.5. DECISIONS. Unless otherwise provided by statute or this ordinance, all actions of the City Council and Planning Commission pertaining to this ordinance shall require the vote of a majority of the members of the entire Council or Commission.

Subd.6. SUBDIVISION. (*Amended Feb 20, 1997, #38*) For the purposes of this ordinance, a subdivision means the separation of an area, parcel or tract of land under single ownership into five (5) 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, except:

- (A) Where all the resulting parcels, tracts, lots or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses.

(B) Creating cemetery lots.

(C) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Subd.7. LAND SUITABILITY. No land shall be subdivided which is held unsuitable by the City for the proposed use because of flooding, inadequate drainage soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision.

Subd.8. DEFINITIONS.

- (1) BLOCK. Any combination of land ownership bounded by streets, roads or highways or a combination thereof or by a combination of streets, roads or highways and public parks, cemeteries, railroad rights-of-way, streams, lakes or similar manmade or natural physical barriers.
- (2) BUILDABLE AREA. That part of the lot not included within the open areas required by the Zoning Ordinance, or other official controls.
- (3) COMPREHENSIVE DEVELOPMENT PLAN (MASTER PLAN). "Comprehensive municipal plan" means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution. A comprehensive plan represents the Planning Commission's recommendations for the future development of the municipality.
- (4) CROSS WALKWAY. A right-of-way or easement dedicated to public use, ten feet or more in width, which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.
- (5) CUL-DE-SAC (COURT). A short street having one end open to traffic and being permanently terminated by a circular turn-around for vehicles.
- (6) EASEMENT. A grant by the property owner of the use of a designated portion of land by the public, individuals, groups or corporations for specific purposes.
- (7) FINAL PLAT. The final plat shall mean all required maps, information and documents as set forth in the subdivision regulations and as required by the Planning Commission.
- (8) GENERAL DEVELOPMENT PLAN. The general development plan shall mean a map showing property boundaries with a proposed street layout and desirable lot layouts.
- (9) LOT. A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.
- (10) MONUMENT. Concrete and/or metal markers utilized to establish survey points and lot boundaries.
- (11) OFFICIAL MAP. A map of the municipality and/or any portion thereof lying within the incorporated limits, which shows the exact alignment, gradients, dimensions and other pertinent data for highways and major streets and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities.
- (12) OPEN SPACE. An area of land preserved from building development and reserved for the use of general public or a homeowners association for the purpose of active and passive recreation and certain necessary community facilities.

- (13) PARKS. Area of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, playfields and special purpose areas.
- (14) PLANNING COMMISSION. The Planning Commission is a governmental agency appointed by the governing body according to Minnesota Statutes 462.351 through 462.365.
- (15) PRELIMINARY PLAT. The preliminary plat shall mean all required maps, information and documents as set forth in the subdivision regulations and as required by the Planning Commission.
- (16) RESUBDIVISION. A change in a recorded subdivision if such change affects any street layout, affects any area reserved for public use or diminishes the size of any lot.
- (17) REVIEWING AGENCIES. Reviewing agencies may include, but are not limited to, the municipal engineer, school board, utility companies, park board, county surveyor, United States Department of Agriculture Soil Conservation Service, Minnesota Department of Natural Resources and city attorney.
- (18) STREETS AND ALLEYS.
 - (a) RIGHT-OF-WAY (ROW): The entire area lying between the boundaries establishing the dedicated width.
 - (b) ROADWAY: That portion of a street, cartway or alley surfaced for vehicular travel.
 - (c) HIGHWAYS: Routes carrying large volumes of relatively fast-moving traffic and are designated as either county, county state aid, federal or state highways.
 - (d) MAJOR STREETS: Arterials carrying large volumes of local traffic between widely separated areas of the community.
 - (e) COLLECTOR STREETS: Streets which carry traffic from minor streets to major streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within such developments.
 - (f) LOCAL STREETS: Streets which are used principally for access to abutting properties, especially residential properties.
 - (g) SERVICE ACCESS STREETS: Traffic ways which are adjacent and parallel to highways or major streets and provide access to abutting properties.
 - (h) ALLEYS: Minor traffic ways affording a secondary means of access to abutting properties which are not intended for general traffic circulation.
- (19) SUBDIVIDER. A person, persons or corporation responsible for initiating a subdivision proposal whether owners in fee simple or less than fee simple of the land proposed for subdividing.
- (20) VARIANCE. Any departure from the requirements of these regulations that is granted by the appropriate governmental agency.

Section 2.00. PROCEDURES FOR SUBMISSION OF PLATS

Subd.1. PLAT CONSISTENCY. All plats must be consistent with the City's comprehensive development plan and the City zoning ordinance.

Subd.2. PRELIMINARY PLAT. The subdivider shall prepare a preliminary plat together with improvement plans and other supplemental material as may be specified by the Planning Commission and its reviewing agencies. The plat and support material must be prepared by a land surveyor registered in the State of Minnesota.

Subd.3. The preliminary plat shall be drawn on suitable tracing paper or other material of suitable quality with black waterproof ink or indelible pencil at a scale not greater than one hundred (100) feet equals one (1) inch unless another suitable scale is approved by the Planning Commission. (Example: one-inch equals two hundred feet would be unacceptable).

Subd.4. Six copies of the preliminary plat and supplementary material shall be submitted to the City Clerk at least thirty (30) days before the Planning Commission's next regularly scheduled meeting. The Planning Commission shall send copies to the city engineer and appropriate reviewing agencies which shall review and submit written comments and recommendations before the next regular meeting of the Planning Commission. The Planning Commission shall set the date for a public hearing and instruct the Zoning Administrator to give notice of time, place and purpose of the public hearing in the following manner:

- (A) Notify by mail all property owners within three hundred fifty (350) feet of the property at least ten (10) days prior to the date of the public hearing.
- (B) Give public notice in newspaper of general circulation in the City at least ten (10) days prior to public hearing.

Subd.5. Following review of the preliminary plat and supplementary materials submitted for conformity thereof to this ordinance and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements made by him, the Planning Commission shall, within forty-five (45) days, act thereon as submitted or modified and, if approved, the Planning Commission shall express its approval and state the conditions of approval, if any, or, if disapproved, shall express its disapproval and its reasons therefore. Any plan given conditional approval shall be revised to meet the requirements of conditions and six (6) copies shall be resubmitted.

Subd.6. The action of the Planning Commission shall be noted on three (3) copies of the approved preliminary plat, referenced and attached to any conditions determined. One shall be returned to the surveyor, one shall be retained by the Planning Commission, and one shall be transmitted to the City Council within five (5) days from the date of the Planning Commission's action.

Subd.7. Approval of a preliminary plat shall not constitute approval of the final plat. Approval of a preliminary plat is hereby limited to a period of twelve (12) months, after which time, the subdivider is required to resubmit a preliminary plat to give the Planning Commission an opportunity to assess any changes in the general area or any regulation, ordinance or statute changes that may be applicable.

Subd.8. Specifications for preliminary plat are as follows:

- (A) Date, scale, north point.
- (B) Proposed subdivision name and all intended street names according to the municipality's street naming and numbering system.
- (C) Name of the subdivider, surveyor and engineer preparing plat.
- (D) Topographic map of the area showing two foot contour intervals. All areas of the subdivision to be platted with a slope greater than twenty-five (25) percent must be clearly indicated.
- (E) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
- (F) Zoning classification of lands to be subdivided and all adjacent lands.

- (G) Location, widths and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, front, side and rear yard dimensions for all permanent buildings and structures.
- (H) The location of all new and proposed public utility lines shall constitute a "drainage and utility plan". The plan shall show the location, proposed size and depth of all existing and proposed sanitary sewer, storm sewers, water mains, gas lines, power lines and telephone lines and location of all water hydrants, ditches, culverts and catch basins. The plan shall be drawn on a reproducible copy (mylar) of the preliminary plat complete with all topographic information. Proposed manhole inverts shall be shown for sanitary and storm sewers along with the invert elevations of culvert entrances and outlets. If a lift station is contemplated for the sanitary sewer system, the service area shall be delineated on a vicinity map provided separately or inset on the plat. Where detention ponds or catch basins are contemplated, their location and approximate size shall be shown on the plan. Before the final plat is accepted, a detailed preliminary design must be provided for the ponds or basin in accordance with city standards.
- (I) Other data within three hundred (300) feet of the exterior boundaries of the area being subdivided as may be required by the Planning Commission.
- (J) Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations when available.
- (K) When the subdivision borders a lake, river, stream or drainage way, the contour line four (4) feet above the indicated high water elevation of said lake, river, stream or drainage way shall be shown on the plat.
- (L) The layout and width of all new streets, rights-of-way and easements and the approximate angles of street intersections. Plan and profile sheets showing the layout of each street, the existing centerline surface grades, proposed centerline grades including gradients, PVI (Point of Vertical Intersection) locations and elevations and length of vertical curves. Existing grades may be developed from the topographic map. Typical sections for each different street type shall show the width of the paved surface (distance between gutter lines where concrete curb and gutter is to be provided), street crown, boulevard width and slope in cut and fill sections, and back slopes in cut and fill sections. The full section shall show grading to each property line.
- (M) Length and bearings of the exterior boundaries of the land being subdivided.
- (N) Dimensions of all lots to the nearest foot.
- (O) Square footage of all lots.
- (P) All lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another and one lot plats should have both a lot and block number.
- (Q) Approximate radii of all curves and lengths of all tangents.
- (R) Approximate location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of such dedication or reservation.
- (S) Additional data may be required when in the opinion of the city, it is necessary to make a proper determination of site suitability for the type of development intended, or when the city or property owners outside of the area to be platted may incur costs for improvements generated by development. Such additional data may include, but not be limited to, soil surveys and borings, water table

determinations, location of flood plan or flood fringe areas, additional drainage analyses, estimates of costs for proposed improvements and other data as the city may require.

Subd.9. The preliminary plat shall be submitted to the County Surveyor for review and examination.

Subd.10. The preliminary plat shall be reviewed by the City Council at its first regular meeting after being received from the Planning Commission and shall be approved by the City Council before the final plat can be approved by the Planning Commission.

Subd.11. FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at this time; provided, however, that such portion conforms to all requirements of this ordinance. If the proposed final plat constitutes only a portion of the approved preliminary plat, the portion submitted must be approved by the Planning Commission and City Council before it will be considered for final plat approval.

Subd.12. Application for approval of the final plat shall be submitted in writing to the Planning Commission at least ten (10) days prior to the meeting at which it is to be considered.

Subd.13. Four copies of the final plat and other supplemental data required for approval shall be prepared and submitted to the Planning Commission within twelve (12) months after approval of a preliminary plat. These four (4) copies shall be paper prints and are not required to be signed per Section 2, Subdivision 14, items P, Q, R, S and T. However, the map to be filed must contain the signature of the authorized representatives of the applicable governmental agencies.

Subd.14. Specifications for final plat are as follows:

- (A) Date, scale, north point.
- (B) Subdivision name and all street names.
- (C) Location of the plat by quarter-quarter section, section, town and range.
- (D) Location and names of adjacent subdivisions.
- (E) Exact location, widths and names of all existing platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses and drainage ditches within the boundaries of the land to be subdivided.
- (F) Water elevations of adjoining lakes, rivers and streams at date of the survey and their approximate high and low water elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum when available.
- (G) When the subdivision borders a lake, river or stream, the contour line four (4) feet above the indicated high water elevation of said lake, river or stream shall be shown on the plat.
- (H) Exact location and width of all new streets, their angle of intersection, length of arcs, radii, points of curvature and tangent bearings.
- (I) Exact location and width of all easements, and a statement of easement rights.
- (J) Exact length of bearings or angles of the exterior boundaries of the land being subdivided.
- (K) Exact dimensions of all lots.

- (L) All lots shall be numbered by beginning the numbering with the number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another. One lot plat shall have both a lot and a block number.
- (M) Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked "Dedicated to the Public".
- (N) Accurate location and material of all permanent reference monuments including lot corners. (Monument size shall be an iron rod or stake at least one-half inch in diameter by 15 inches in length and set in concrete).
- (O) Certificate of the registered land surveyor preparing the plat, that the plat as presented fully complies with the requirements of this ordinance and the platting laws of the State of Minnesota relative to the surveying, dividing and mapping of land; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by him and that all monuments indicated thereon exist and their location, size and material are correctly shown.
- (P) A certificate issued by the authorized county officials stating that there are no unpaid taxes or special assessments on any of the lands included in the plat.
- (Q) A certificate by the owner or owners dedicating to the public for full public use all streets and street rights-of-way and other lands designated as "Dedicated for the Public's Use" and the granting of utility easements as shown on the plat.
- (R) A certificate of review signed by the city engineer.
- (S) A certificate of Planning Commission approval signed by the Chairman of the Planning Commission.
- (T) A certificate of approval by the City Council signed by the Mayor and Clerk.
- (U) The final plat prior to presentment to the Council shall be reviewed and endorsed as approved by the County Surveyor.
- (V) The final plat, upon its submission to the Council, shall be accompanied by a written title opinion by an attorney at law naming therein the fee owners and other persons or entities having legal or equitable interest in the real estate affected, that necessary parties have joined in the plat and that the title thereto is good and merchantable.
- (W) That a final plat, upon such approval by the Council, shall thereafter be forthwith tendered to the County Recorder for its permanent entry upon the records of the county.

Subd.15. The final plat for recording after approval by the Planning Commission and City Council shall be drawn on muslin backed white paper, Mylar or other suitable material with black waterproof ink. The final plat shall measure thirty (30) inches in length and twenty (20) inches in width with a border line of two (2) inches provided on the left side of the thirty (30) inch length and a border of one-half inch provided on the other three sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets (i.e., 2 of 3). The final plat shall be drawn to a scale not greater than one hundred (100) feet to the inch. (Example: one-inch equals 200 feet would be unacceptable).

Subd.16. Street, sewer and water plans and profiles shall be drawn with black ink on standard highway plan and profile linen or a comparable substitute. Street plans and profiles shall be drawn to a scale not greater than one inch equals one hundred (100) feet horizontally and one inch equals ten (10) feet vertically, and shall

show original and proposed centerline elevations, all curve data, street orientation, typical cross-section for each street and surface drainage information in areas of cut or fill. Three (3) copies of the street, sewer and water plan and profile shall be submitted with the final subdivision map.

Subd.17. The final plat shall be recorded within sixty (60) days from the date of approval by the governing body. Failure to record within sixty (60) days from the date of approval necessitates resubmitting the subdivision for approval by both the Planning Commission and the City Council. No building permits will be issued or public improvements initiated until the approved plat is duly recorded.

Subd.18. For one year following preliminary approval of a plat and for two (2) years following final approval, unless the subdivider and municipality agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, layout or dedication or platting required or permitted by the approved application.

Subd.19. Prior to approval by the City Council of the final plat, a Subdivision Agreement (Developer's Agreement) shall be executed between the subdivider and the city. The agreement shall be prepared by the city and shall include any special provisions which may accompany the plat approval. The agreement shall stipulate provisions made for park dedication, and shall specify the type and extent of improvements to be constructed, the cost of construction, the construction time schedule, and the method used to construct and finance the improvements. The agreement shall also specify the city's role in inspecting the improvements and shall stipulate the type and amount of escrow, bond, letter of credit, or other security required to secure the construction and insure reimbursement to the city for any engineering, legal, fiscal or administrative costs incurred.

Section 3.00. SUBDIVISION DESIGN STANDARDS

Subd.1. GENERAL. The subdivision design standards contained in this ordinance-are to assure that the style, character and form of new developments will conform to minimum requirements promoting the health, safety and general welfare of the public. In addition to these regulations and to insure the future developments are consistent with the growth objectives and goals of the community, subdivisions shall conform to the comprehensive development plan of the municipality, or any part thereof, the zoning ordinance and any other applicable ordinances of the municipality.

Subd.2. STREET DESIGN. The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation within the subdivision and from the subdivision to adjacent areas. Street arrangement, character, width, grade, location, sight distance and surface material shall be related to existing or planned streets, topography, convenience and safety, and their intended ultimate function. Minimum street right-of-way shall be:

- (1) Major streets and collectors eighty (80) feet
 - (2) Local streets sixty (60) feet
- (B) The arrangement of major streets in a subdivision shall provide for the continuation of projection of existing streets in adjacent areas; or conform to a plan approved by the Planning Commission where topographic or other conditions make continuance or conformance to existing streets impracticable.
 - (C) Collector streets shall be properly related to major streets and designed in a manner so as to supplement the major street system, but not to serve in lieu thereof.
 - (D) Local streets shall be designed to benefit from the topography, to discourage through traffic and to provide the minimum amount of streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear streets is allowed where necessary. Cul-de-sacs may be allowed by variance only.
 - (E) Where a subdivision abuts upon, or contains an existing or proposed highway, major thoroughfare, or railroad right-of-way, the Planning Commission may require reverse frontage lots with appropriate

screen plantings on the non-access lot boundaries. Also, it may require the provision of suitable access roads parallel to and on either side of said highway, major thoroughfare or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.

- (F) Streets designed and laid out so as to have one end permanently closed shall not exceed four hundred (400) feet in length, except where the Planning Commission has approved additional length due to property limitations or large lot size.
- (G) Turnarounds (cul-de-sacs) shall be provided at the permanently closed end of all streets and shall have a minimum right-of-way radius of sixty (60) feet. The Planning Commission may approve a "T" type turn-around when unusual circumstances make a cul-de-sac inappropriate.
- (H) All subdivisions abutting a public lake, river or stream shall provide public access at least eighty (80) feet wide to the low water elevation so that there will be public access at not more than one-half mile interval as measured along the lake, river or stream shoreline.

Subd.3. INTERSECTIONS. All streets shall intersect at right angles or as close thereto as possible. No street shall intersect another at an angle of less than seventy (70) degrees. More than two streets intersecting at the same location shall be prohibited. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

- (A) When the Planning Commission finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall be rounded with a radius of fifteen (15) feet. The Planning Commission may permit comparable cords in lieu of the rounded corners.

Subd.4. ALLEYS. Alleys shall be required in all commercial and industrial districts, except that the Planning Commission may waive this requirement where the commercial or industrial district is designed as a comprehensive unit and adequate provisions for service access, off-street loading and unloading areas and parking space is a part of the overall development plan.

- (A) Dead-end alleys are prohibited except where natural or other features makes it impossible to continue them. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end as determined by the Planning Commission.
- (B) Alleys shall not be required in one and two family residential areas unless a secondary means of access to certain property is necessary due to topography or other exceptional circumstances.

Subd.5. EASEMENTS AND DEDICATIONS. Easements for public utilities may be required by the Planning Commission. Where such easements are determined to be necessary they shall be provided along the rear and side lot lines and shall be ten (10) feet in width with five (5) feet of the easement on each adjacent property being subdivided.

- (A) Where a water course, drainage way channel or stream traverse a subdivision, there shall be provided a storm water easement for drainage right-of-way conforming substantially with the lines of such water course. If it is deemed advisable by the Planning Commission, such water course or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be installed as directed by the City.
- (B) Upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Planning Commission may require the dedication or reservation of areas or sites suitable to the needs created by such development for schools, parks and other neighborhood purposes.

Subd.6. BLOCKS.

- (A) The length, width and shape of blocks shall be determined with due regard to the following:

- (1) The provision of adequate building sites available to the particular needs of the type of use contemplated.
- (2) Zoning requirements as to lot size and dimensions.
- (3) Needs for convenient access, circulation, control and safety of traffic.
- (4) Limitations and opportunities afforded by topography and other natural features.

(B) Block lengths shall not exceed 800 feet, 1,200 feet where walkways are provided.

Subd.7. WALKWAYS. Pedestrian walkways not less than ten feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Subd.8. LOTS. The size, width, shape and orientation of lots and the building setback line shall be appropriate for the type of development and use contemplated.

- (A) Reserve strips controlling access to interior or adjacent property will not be allowed by private ownership.
- (B) Parcel remnants smaller in area than allowed by zoning are not allowed and must be made part of another lot.
- (C) No residential lot with a buildable area of less than twenty-five (25) feet by sixty-five (65) feet will be allowed except by variance by the Planning Commission.
- (D) Lot dimensions shall conform to the Zoning Ordinance.
- (E) Side lot lines shall be as near to right angles or radial to street lines as possible.
- (F) Every lot shall front on a public street, thus providing access for fire protection, utilities and other necessary services.
- (G) Lots shall not be so excessive in depth that they block desirable access to adjacent property. The Planning Commission may require dedication of land for future streets in excessively deep lots.

Subd.9. CONSERVATION. Efforts shall be made to conserve natural resources and advantageously utilize all natural features and vegetation on the property to minimize soil erosion. Consideration will be given to eliminate any form of underground or surface water pollution.

Section 4.00. REQUIRED IMPROVEMENTS

Subd.1. GENERAL. As a minimum, the following improvements shall be provided for all new subdivisions in accordance with the current city design standards:

- (A) Sanitary sewer and appurtenances including sewer service connections to the property line.
- (B) Watermains and appurtenances including hydrants and valves, and water service connections to the property line.
- (C) Storm sewers, ditches, culverts and appurtenant drainage facilities.
- (D) Street grading the full width of the right-of-way, and the installation of a MnDOT Class 5 gravel driving surface to a thickness and width determined by the city.

- (E) A temporary turnaround where a street terminates at the edge of a plat and future extension is planned. The temporary turnaround must be constructed as in Paragraph (D), above, and suitable easements shall be provided to meet the requirements of Section 3, Subdivision 2, Paragraph (F).

Subd.2. MONUMENTS. Durable iron monuments shall be placed at all block and lot corners, all intermediate points on blocks where there is a change in the direction of the block line, at points of curves in streets, at each angle and curve point on the exterior boundary lines of the plat, and at such other points as may be required by the Planning Commission. All monuments shall be an iron rod or stake and a minimum of one-half inch in diameter and fifteen (15) inches in length and set in concrete.

Subd.3. UTILITY IMPROVEMENTS. All electric and gas distribution lines or piping, roadways, curbs, walks and similar improvements shall be constructed only on a street, alley or other public way or easement which is designated on an approved plat or which has otherwise been approved by the City Council.

Subd.4. Section 5.00. BONDING PROCEDURE

Subd.5. In the interest of good development and to protect the taxpayers and future purchasers of residential, commercial and industrial properties, it shall be the policy of the City to require a certified check or surety bond acceptable to the City Council in sufficient amount to cover the completion of all work remaining to be performed in accordance with the provisions of this ordinance before the final plat is signed for recording by the Mayor or Clerk.

Subd.6. The amount of said certified check or surety bond shall be determined by the City Engineer and/or legal counsel and the stipulated period covered by such bond shall in general be for a period of one year. In no case, however, shall the period of performance bonds exceed two years.

Section 6.00. FEES

Subd.1. A filing fee payable to the City Clerk shall accompany the application for final review by the City Council.

Subd.2. The amounts of the filing fees shall be established from time to time by resolution of the City Council. Until all fees have been paid in full, no action shall be taken on any application or appeal.

Section 7.00. DEDICATIONS AND RESERVATIONS

Subd.1. Where deemed appropriate by the Planning Commission, open spaces suitably located and of adequate size for parks, playgrounds or other recreational activities for local or neighborhood use, shall be provided for in the proposed subdivision. If said parcels are not dedicated to the City, the Planning Commission may recommend they be reserved by covenant or deed restriction for the common use of all property owners in the subdivision.

Subd.2. When a park, school or other public use site shown in the Comprehensive Development Plan of the City lies wholly or partly within the boundaries of the proposed subdivision, and such a park, school or other public use site is not dedicated for public use to the City, the Planning Commission may recommend that the area be reserved for acquisition by the City or school district for a period of one and one-half years from the date of recording of the subdivision.

Section 8.00. VARIANCES

Subd.1. Where the Planning Commission finds that unnecessary difficulty may result from strict compliance with the provisions of this ordinance, it may vary the regulations to the extent that substantial justice may be done and the public interest secured, provided that such variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this ordinance. (Variances cannot be granted which relate to other ordinances).

Subd.2. LARGE SCALE DEVELOPMENTS. The standards and requirements of this ordinance may be modified by the Planning Commission in the case of a subdivision of ten acres or more which is to be developed in accordance with a comprehensive development plan safeguarded by appropriate restrictions and which makes adequate provisions for necessary community facilities. No variance shall be granted which shall have the effect of nullifying the intent and purpose of this ordinance.

Subd.3. CONDITIONS. In the granting of variances, the Planning Commission shall weigh the benefits or hardships against the general standards and objectives of this ordinance, and may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Subd.4. BOARD OF ADJUSTMENT. A board of adjustment, appointed by the City Council, shall act upon all questions as they may arise in the administration of this ordinance. The board shall hear and decide appeals from and review any order, requirement, decision or determination made in the enforcement of this ordinance.

Section 9.00. ENFORCEMENT

Subd.1. Violation of the provisions of this Ordinance or deliberate failure to comply with any of its requirements shall constitute a misdemeanor. Each day that a violation exists or continues shall constitute a separate offense.

Subd.2. COMPLIANCE REQUIRED. It shall be the duty of all developers, subdividers, architects, contractors, subcontractors and other persons responsible for constructing, altering, changing or removing any street or alley, park, monument, utility improvement, sanitary sewer, storm sewers and drainage facilities, or any other improvement or alteration contemplated under this Ordinance, before beginning or undertaking any such work, to see that such work does not conflict with and is not in violation of the final subdivision plat and the terms of this Ordinance. Any such developers, subdividers, architects, contractors, subcontractors, or other persons doing or performing any such work of constructing, altering, repairing, changing or removing any street or alley, park, monument, utility improvement, sanitary sewer, storm sewers and drainage facilities, or any other improvement or alteration contemplated under this Ordinance, in violation of, or in conflict with the terms of this Ordinance, shall be deemed guilty of a violation hereof and shall be held accountable for such violation.

Subd.3. VIOLATIONS. Any construction, improvement, alteration, repair, or removal of any street and alley, park, monument, utility improvement, sanitary sewer, storm sewers and drainage facility, or any other improvement or alteration made or permitted in violation of this Ordinance, is hereby declared unlawful. In the event of violation or threatened violation of this Ordinance or other official control adopted pursuant to Minnesota Statute Section 462.358, Laws of Minnesota, 1959, as amended, in addition to other remedies, the City Council or any member thereof may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violations and it is the duty of the City Attorney to institute such actions.

Subd.4. PENALTIES. Any person, firm, agent or corporation found guilty of violating any of the provisions of this Ordinance upon conviction thereof, shall be subject to a fine and/or imprisonment for a misdemeanor as currently set by state statute, plus the costs of prosecution for each violation. Each day that a violation exists or continues shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance, and the City may pursue by appropriate actions or proceedings, any or all addition remedies.

Section 10.00. AMENDMENTS

Subd.1. The Planning Commission may, of its own motion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established. All proposed amendments, together with the recommendation of the Planning Commission, shall be submitted to the City Council for adoption in accordance with established procedures.

Subd.2. Procedures and rules for amending this ordinance shall be the same as those outlined in Article 14 of the City Zoning Ordinance.

Section 11.00. VALIDITY, SEPARABILITY AND EFFECTIVE DATE

Subd.1. Whenever any provision of this ordinance imposes restrictions which are more restrictive than those imposed by provisions of existing laws or ordinances, the provisions of this ordinance shall govern.

Subd.2. Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except that part so declared to be invalid.

Subd.3. This ordinance was adopted July 5, 1994 and became effective on July 14, 1994.