

ORDINANCE NO. 70
AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS FOR THE CITY OF BROWNTON
AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDEMENT THEREOF

CHAPTER 1
GENERAL PROVISIONS AND DEFINITIONS

- I. **TITLE.** This ordinance shall be known and may be cited as the “subdivision ordinance for the City of Brownton, 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.”

- II. **PURPOSE.** Any person platting, re-platting or dividing property for purposes of transfer of title or separate description shall do so under the provisions of this ordinance. The subdivision ordinance set 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 which 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 sub-divider 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.

- III. **LEGAL AUTHORITY.** This ordinance is enacted pursuant to Minnesota Statutes Chapter 462.358, as amended, and is supplemented by requirements of Minnesota Statutes Section 505.
- IV. **ADMINISTRATION.** The subdivision ordinance shall be administered by the City Council after review and recommendation by the planning commission.
- V. **DECISIONS.** Unless otherwise provided by statute or this ordinance, all actions of the City Council and recommendations of the planning commission pertaining to this ordinance shall require the vote of a majority of the members of the entire city council or commission.
- VI. **SUBDIVISION.** For the purposes of this ordinance, a subdivision means the separation of an area, parcel or tract of land under single ownership into two 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 20 acres or larger in size and 500 feet in width for residential uses and five 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.
- VII. **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.
- VIII. **DEFINITIONS.**
 - A. **BLOCK.** Any combination of land ownership bounded by streets, roads or highways a combination thereof or by a combination of streets, roads or highways and public parks, cemeteries, railroad rights-of-way, streams, lakes or similar constructed or natural physical barriers.
 - B. **BUILDABLE AREA.** The area of a parcel where buildings, parking areas and driveways may be constructed in conformance with this ordinance, the zoning ordinance, flood plain ordinance and state statutes.
 - C. **COMPREHENSIVE PLAN.** "Comprehensive 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.
 - D. **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.
 - E. **CUL-DE-SAC (COURT).** A short street having one end open to traffic and being permanently terminated by a circular turnaround for vehicles.
 - F. **EASEMENT.** A grant by the property owner for the use of a designated portion of land by the public, individuals, groups or corporations for specific purposes.
 - G. **FINAL PLAT.** The final plat shall mean all required maps, information and documents prepared in accordance with Minnesota Statute 505 and this ordinance and as required by the city council.

- H. **GENERAL DEVELOPMENT PLAN.** The general development plan shall mean a map showing property boundaries with a proposed street layout and desirable lot layouts.
- I. **LOT.** A portion of a subdivision or other parcel of land separated by description from other parcels or properties, and intended as a unit for transfer of ownership or for development.
- J. **MONUMENT.** Concrete and/or metal markers utilized to establish survey points and lot boundaries.
- K. **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.
- L. **OPEN SPACE.** An area of land preserved from building development and reserved for the use of the general public or a homeowners association for the purpose of active and passive recreation and certain necessary community facilities.
- M. **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.
- N. **PLANNING COMMISSION.** The planning commission is a governmental agency appointed by the governing body according to Minnesota Statue 462.354.
- O. **PRELIMINARY PLAT.** The preliminary plat shall mean all required maps, information and documents of a proposed subdivision as set forth in this ordinance and as required by the City.
- P. **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 lots.
- Q. **REVIEWING AGENCIES.** Reviewing agencies may include, but are not limited to, the municipal engineer, school board, utility companies, park board, county surveyor, the Watershed District, U.S. Department of Agriculture, Soil Conservation Service, Minnesota Department of Natural Resources and city attorney or any other agency required by state of federal law.
- R. **STREETS AND ALLEYS.**
 - 1. **RIGHT-OF-WAY (ROW):** A strip of land occupied or intended to be occupied by a street; sidewalk or path; snow storage; highway; railroad; transmission, telecommunication, or pipelines; landscaping; and utility structures.
 - 2. **ROADWAY:** That portion of a street, cartway or alley surfaced for vehicular travel.
 - 3. **HIGHWAYS:** Routes carrying large volumes of relatively fast-moving traffic and are designated as either county, county state aid, federal or state highways.
 - 4. **COLLECTOR STREETS:** Streets which carry traffic from local streets to highways, including the principal entrance streets of a residential subdivision and streets used for circulation within such developments. Collector streets generally carry more than 500 vehicles per day.
 - 5. **LOCAL STREETS:** Streets which are used principally for access to abutting properties, especially residential properties, and generally carry less than 500 vehicles per day within the City.
 - 6. **ALLEYS:** Minor traffic ways affording a secondary means of access to abutting properties which are not intended for general traffic circulation.

- S. **SUBDIVIDER.** A person, persons or corporation responsible for initiating a subdivision proposal of the land proposed for subdividing.
- T. **VARIANCE.** Any departure from the requirements of these regulations that is granted by the city council where an unusual hardship of the land exists.

CHAPTER 2
PROCEDURES FOR SUBMISSION OF PLATS

- I. **PLAT CONSISTENCY.** All plats must be consistent with the City’s comprehensive plan and the city zoning ordinance.
- II. **PRELIMINARY PLAT.** The subdivider shall prepare a preliminary plat together with preliminary grading, drainage, street and utility plans of the proposed subdivision and other supplemental material specified by Section VIII of this Chapter and the City and its reviewing agencies. The plat must be prepared by a land surveyor registered in the State of Minnesota in accordance with State Statute 505. The grading, drainage, street and utility plans must be prepared by a civil engineer registered in the State of Minnesota.
- III. The preliminary plat and supporting plans shall be clearly and legibly drawn on paper of suitable quality at a scale that shows no more than one hundred feet per one inch.
- IV. Six copies of the preliminary plat, supporting plans and supplementary material shall be submitted to the city clerk. The city clerk shall send copies to the city engineer, Watershed District and appropriate reviewing agencies which shall review and submit written comments and recommendations to the planning commission within 30 days of receipt. The planning commission chair, in consultation with the city clerk, shall set the date and time for a public hearing to be held by the planning commission to review the proposed plans. The public hearing shall be held within a reasonable time after 30 days of submittal of the preliminary plat documents. The city clerk shall 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 feet of the property boundaries at least ten days prior to the date of the public hearing.
 - B. Give public notice in newspaper of general circulation in the City at least ten days prior to public hearing.
- V. Following review of the preliminary plat, supporting plans and supplementary material for conformity with this ordinance by the planning commission, and negotiations on changes deemed advisable to the proposed plat and supporting plans, the planning commission shall, within 45 days of the public hearing, act thereon as submitted or modified. The planning commission shall consider the following in making their recommendation to the city council:
 - A. Compliance of the preliminary plat and supporting plans to this ordinance and the zoning ordinance;
 - B. Consistency of the preliminary plat and supporting plan design with city development and improvement policies;
 - C. The impact of the preliminary plat and supporting plan design on the physical characteristics of the site, the adjacent property and city services; and

- D. The effect of the preliminary plat and supporting plans on the public health, safety and welfare.

The planning commission shall express its recommendation of approval and state the conditions of approval, if any, or if for disapproval, shall express its reasons therefore.

- VI. The recommendation of the planning commission and conditions shall be noted on three copies of the preliminary plat. One shall be returned to the surveyor, one shall be retained by the planning commission, and one shall be transmitted to the city council. Any plan given a conditional recommendation for approval by the planning commission shall be revised by the subdivider to meet the requirements of conditions and six copies shall be resubmitted to the city clerk within 20 days from the date of the planning commission's recommendation. The city clerk will then submit the updated preliminary plat to the city council. The preliminary plat shall be approved or disapproved by the city council within 120 days from the date a complete application is made to the City in accordance with this ordinance unless an extension has been agreed to in writing by the subdivider.
- VII. Approval of a preliminary plat shall not constitute approval of the final plat. Approval of a preliminary plat shall be valid for a period of 12 months from the date of preliminary approval, after which time, the subdivider is required to resubmit a preliminary plat to allow the planning commission and city council an opportunity to assess any changes in the general area or any regulation, ordinance or statute changes that may be applicable. The same procedure shall be followed for a resubmittal as the original request.
- VIII. Specifications for preliminary plat submittals are as follows:
 - A. Completed application form for preliminary plat review.
 - B. Date, scale, north point.
 - C. Proposed subdivision name and all intended street names according to the City's street naming and numbering system.
 - D. Name of the subdivider, surveyor and engineer preparing the preliminary plat and supporting plans.
 - E. Topographic map of the entire property and extended 300 feet beyond the property boundaries showing two-foot contour intervals. All areas of the subdivision to be platted with a slope greater than 25 percent must be clearly indicated.
 - F. Location and names of adjacent subdivision and the owners of adjoining parcels of unsubdivided land.
 - G. Zoning classification of lands to be subdivided and all adjacent lands.
 - H. Location, widths and names of all existing, platted or dedicated streets, easements, rights-of-way, parks, water courses, drainage ditches, front, side and rear yard, dimensions for all permanent buildings and structures.
 - I. Grading and drainage plan(s), which may be combined if approved by the city engineer, which includes the topographic conditions at two-foot intervals of the property upon completion of all public improvements including ponding, the grading of all lots necessary to accommodate the primary use of the property according to the zoning ordinance, and grading required for access to the property. Drainage plans shall include the direction of water flow after completion of grading, minimum basement elevations for buildings, drainage facilities such as ponds, ditches and the like, computations for 100-year storm

- events if required by the city engineer and other drainage information as required by the city engineer or Watershed District.
- J. Minimum basement elevations established at 2 feet above the 100-year flood elevation, 2 feet above the highest observed water table and 4 feet above the normal water table.
 - K. Centerline gradients for all proposed streets and grading requirements for installation of sidewalks, trails and boulevard areas.
 - L. A utility plan including the location, proposed size and depth of all existing and proposed sanitary sewer, storm sewers, water mains and location of all water hydrants, ditches, culverts and catch basins.
 - M. Soil absorption tests for lots or parcels where on-site septic tanks are proposed and other information as required by the State Department of Health.
 - N. Water elevations of adjoining lakes, rivers and streams; 100-year flood elevations; and ground water levels at date of survey and their approximate high and low water elevations.
 - O. An erosion and sedimentation control plan during and after periods of grading activity on the property, as required by the city engineer and Watershed District.
 - P. The layout and width of all new streets, rights-of-way and easements, the approximate angles of street intersections, and the specifications for concrete curb and gutter.
 - Q. Length and bearing of the exterior boundaries of the land being subdivided.
 - R. Dimensions of all lots to the nearest foot and front, side and rear setback lines depicted on the preliminary plat.
 - S. Square footage of all lots.
 - T. All lots 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.
 - U. Approximate radii of all curves and lengths of all tangents.
 - V. Approximate location and area of all property to be dedicated for the 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, and all easements for public purposes.
 - W. Other data within 300 feet of the exterior boundaries of the area being subdivided as may be required by the planning commission.
 - X. 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 floodplain or flood fringe areas, additional drainage analyses, estimates of cost for proposed improvements and other data as the City may require.

- IX. **FINAL PLAT.** The final plat cannot be considered by the city council until approval of the preliminary plat is granted by the city council. 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.
- X. Application for approval of the final plat shall be submitted in writing to the city clerk at least ten days prior to the city council meeting at which it is to be considered.
- XI. The final plat shall be prepared in accordance with State Statute Chapter 505 and meet requirements of this ordinance. Four copies of the final plat incorporating changes required by preliminary plat approval and other supplemental data required for approval shall be prepared and submitted to the city clerk for city council consideration within 12 months after the date of approval of the preliminary plat by the city council. These four copies shall be paper prints and are not required to be signed per Chapter 2, Section XII, items Q, R, S and T of this ordinance. The subdivider shall submit to the city attorney and city engineer an up-to-date certified abstract of title or registered property abstract and other evidence required by the city attorney to show title or control of the land by the subdivider prior to city council consideration of the final plat.
- XII. 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 and their 100-year flood elevations at date of the survey and their approximate high and low water elevations shall refer to the established U.S. Coast and Geodetic Survey Datum and/or U.S. Geodetic Survey Datum when available.
 - G. Exact location and width of all new streets, their angle of intersection, length of arcs, radii, points of curvature and tangent bearings.
 - H. Exact location and width of all easements, and a statement of easement rights.
 - I. Exact length of bearings or angles of the exterior boundaries of the land being subdivided.
 - J. Exact dimensions of all lots.
 - K. Three copies of the final grading and drainage plans and plans for installation of gas, electric and similar utility improvements shall be submitted to the city engineer with the final plat for review and approval.
 - 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 plats 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 State Statute 505; 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 letter of approval signed by the city engineer stating that the final plat complies with all conditions of approval by the city council.
 - S. A letter stating the planning commission's recommendation of approval signed by the chairperson of the planning commission.
 - T. The final plat prior to presentment to the city council shall be reviewed and endorsed as approved by the county surveyor.
 - U. The final plat, upon its submission to the city 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.
- XIII. The city council shall authorize the mayor and city clerk to sign the final plat. The final plat shall be submitted to the county recorder for its permanent entry upon the records of the county.
- XIV. A subdivision agreement (developer's agreement) shall be executed between the subdivider and the City at the time of final plat approval. The agreement shall be prepared by the city attorney 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, performance of the subdivider or their representatives in carrying out the approved plans, 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. The city council shall authorize the mayor and city clerk to sign the subdivision agreement.
- XV. The final plat shall be recorded within sixty (60) days from the date of approval by the city council. Failure to record within 60 days from the date of approval necessitates resubmitting the subdivision for review and approval by the city council. No building permits shall be issued until the approved plat is recorded at the county.
- XVI. For one year following preliminary approval of a plat and for two 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.

CHAPTER 3
SUBDIVISION DESIGN STANDARDS

- I. **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 plan of the City, or any part thereof, the zoning ordinance and any other applicable ordinances of the City.
- II. **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. The city council may vary these standards if the subdivider provides sufficient justification that the lack of adherence to these standards does not create short-or long-term harm to the city maintenance requirements, surrounding properties and the financial welfare of the City.
 - A. The arrangement of 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 City where topographic or other conditions make continuance or conformance to existing streets impracticable.
 - B. Collector streets shall be properly related to highways and designed in a manner so as to supplement the highway system, but not to serve in lieu thereof. The right-of-way for collector streets shall be not less than 66 feet and pavement width not less than 36 feet as measured from face-of-curb to face-of-curb.
 - C. 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. The right-of-way for local streets shall not be less than 50 feet and pavement width not less than 30 feet as measured from face-of-curb to face-of-curb.
 - D. Where a subdivision abuts upon or contains an existing or proposed highway or railroad right-of-way, the City may require reverse frontage lots with appropriate screen plantings on the non-access lot boundaries. Also, the City may require the provision of suitable access roads parallel to and on either side of said highway or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.
 - E. Right-of-way and pavement width for the highways shall be determined by the county or state highway departments.
 - F. Cul-de-sacs will be allowed when through streets are impractical. Cul-de-sac streets designed and laid out so as to have one end permanently closed shall not exceed 400 feet in length as measured from the centerline of the street of origin to the center of the cul-de-sac, except where the city council has approved additional length due to property limitations, topography or large lot size.

- G. Turnarounds shall be provided at the permanently closed end of all cul-de-sac streets or temporary cul-de-sacs and shall have a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. The city council 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 right-of-way access at least 80 feet wide to the low water elevation so that there will be public access at not more than one-half mile intervals as measured along the lake, river or stream shoreline.
- I. All new streets shall be paved and constructed to the following minimum standards:
 - 1. Geotextile fabric over subgrade; followed by
 - 2. Placement of 8 inches of gravel base; followed by
 - 3. Two inches of bituminous base; followed by
 - 4. A two-inch bituminous wearing course.

The city engineer may recommend and the city council may approve requirements to increase the design standards based upon underlying soil conditions, future traffic volumes and characteristics of the surrounding neighborhood.

- J. All new streets shall be equipped with Mn/DOT design B618 concrete curb and gutter.

III. **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 70 degrees. More than two streets intersecting at the same location shall be prohibited. Street jogs with centerline offsets of less than 150 feet shall be avoided. When the City finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall be rounded with a radius of 15 feet. The City may permit comparable cords in lieu of the rounded corners.

IV. **ALLEYS.** Alleys shall be required in all commercial and industrial districts, except that the city council 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 city engineer.
- 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, or due to characteristics of adjacent properties.
- C. Where alleys are required by the city council, the right-of-way width shall be 16.5 feet and pavement width shall be 16 feet.

V. **EASEMENTS AND DEDICATIONS.** Easements for public utilities and snow storage shall be required by the city council. Easements shall be provided along with front, rear and side lot lines and shall be not less than ten feet in width with five feet of the easement on each adjacent side and rear lot lines of the property being subdivided.

- A. Easements shall be provided where a water course, drainage way channel, storm sewer, pond or stream traverses a subdivision and the width and area of the easement shall be determined by the city engineer. If it is deemed advisable by the city council, upon recommendation by the city engineer, suitable storm drainage facilities shall be installed as directed by the City.
- B. All streets shown on the plat shall be offered for dedication to the public.
- C. All easements shall be dedicated for the required uses as required by State Statute Chapter 505.

VI. 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.

VII. WALKWAYS. Pedestrian walkways constructed of bituminous or concrete shall be required where deemed essential by the city council to provide circulation or access to schools, playgrounds, parks, businesses, transportation and other community facilities. The walkways shall be minimum of 5 feet in width and where adjacent to a street, separated from the face-of-curb of the street by a 5-foot boulevard.

VIII. 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. Lot dimensions shall conform to the zoning ordinance.
- D. Side lot lines shall be as near to right angles or radial to street lines as possible.
- E. Every lot shall front on a public street, thus providing access for fire protection, utilities and other necessary services.
- F. Lots shall not be so excessive in depth that they block desirable access to adjacent property. The city council may require dedication of land for future streets in excessively deep lots.

IX. 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.

CHAPTER 4
REQUIRED IMPROVEMENTS

- I. **PUBLIC IMPROVEMENTS.** At a minimum, the following improvements shall be provided for all new subdivisions in accordance with the final plans approved by the city council and current city design standards:
 - A. Sanitary sewer and appurtenances including sewer service connections to the property line.
 - B. Water mains and appurtenances including hydrants and valves, and water service connections to the property line.
 - C. Storm sewers, drain tiles, ditches, ponds, culverts an appurtenant drainage facilities.
 - D. Construction of a street to a thickness and width determined by the City and installation of curb and gutter.
 - 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 Chapter 3, Section II, G.
- II. **GRADING.** Grading shall be completed in compliance with the approved grading plan.
- III. **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 15 inches in length and set in concrete.
- IV. **UTILITY IMPROVEMENTS.** All electric and gas distribution lines or piping shall be constructed only on a street, alley or other public way or easement which is designed on an approved plan accompanying the final plat or which has otherwise been approved by the city council.

CHAPTER 5
BONDING PROCEDURE

- I. In the interest of good development and to protect the taxpayers and future purchasers of residential, commercial and industrial properties, a certified check, surety bond or letter of credit acceptable to the city council in sufficient amount to cover the completion of all work to be performed in accordance with the provisions of this ordinance and the approved plans for the subdivision before the final plat is signed for recording by the mayor or clerk.
- II. The amount of said certified check, surety bond or letter of credit 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.

CHAPTER 6
FEES

- I. A filing fee payable to the city clerk shall accompany the application for final plat review by the city council.
- II. 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.

CHAPTER 7
DEDICATIONS AND RESERVATIONS

- I. A reasonable portion of the property within the proposed subdivision shall be dedicated to the public for public use as parks, playgrounds, trails, wetlands or open space. A minimum of 10% of the property within the proposed subdivision shall be deemed a reasonable portion. The property to be dedicated shall be useable for the aforementioned public purpose and the City shall not be required to accept property that is unsuitable for the purpose and requires the expenditure of significant funds to make them useable. If the city council finds that any portion of the property is not suitable for park and similar public uses, the subdivider shall make a cash contribution of 10% of the fair market value of the entire property at the time of plat approval to be determined by the county assessor in lieu of parkland dedication. Any money paid to the City in lieu of parkland dedication shall be placed in a separate fund to be only used for the acquisition of land for public parks, playgrounds, trails, wetlands or open space; or for development of the aforementioned sites.
- II. When a park, school or other public use site 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 on the preliminary plat to allow the City or school district an opportunity to consider acquisition of the property prior to final plat approval from the date of recording of the subdivision.

CHAPTER 8
VARIANCES

- I. 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.
- II. **COMPLIANCE REQUIRED.** It shall be the duty of all developers, subdivides, 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 or is not in violation of the final subdivision plat and the terms of this ordinance. Any such developers, subdivides, architects, contractors, subcontractors, or other person 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.

- III. **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 Chapter 462.358, 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 duty attorney to institute such actions.

- IV. **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.

CHAPTER 10
AMENDMENTS

- I. The planning commission may, of its own motion or upon petition, cause to be prepared proposed 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.

- II. Procedures and rules for amending this ordinance shall be the same as those outlined in Article VI of the city zoning ordinance.

CHAPTER 11
VALIDITY, SEPARABILITY AND EFFECTIVE DATE

- I. 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.

- II. Shall 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.

- III. This ordinance was adopted January 6, 1998, and became effective on January 21, 1998.

Charles Warner, Mayor
Attest: Cynthia Lindeman, City Clerk