

CHAPTER 11

SUBDIVISION REGULATION (PLATTING)

Section 1100 - General Provisions

1100.01. Title. This chapter shall be known as the Subdivision Code or the Subdivision Ordinance for the City of Blue Earth. References to the Subdivision Ordinance or Subdivision Code shall refer to this Chapter.

1100.02. Intent and Purpose.

Subd. 1. Intent. It is the intent of this Chapter that all subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein.

Subd. 2. Purpose. It is the purpose of these regulations to: (1) encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction; (2) provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service; (3) place the cost of improvements against those benefiting from their construction; and (4) secure the rights of the public with respect to public lands and waters.

1100.03. Scope and Legal Authority.

Subd. 1. Scope. The rules and regulations governing plats and subdivision of land contained herein shall apply within the City and other land as permitted by State statutes. Except in the case of resubdivision, this Chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this Chapter, nor is it intended by this Chapter to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Chapter, or with restrictive covenants running with the land. Where this Chapter imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control.

Subd. 2. Amendments. The provisions of this Chapter may be amended by the Council.

1100.04. Compliance. After adoption of this Code, no lot in a subdivision shall be sold, no permit shall be issued to alter or to erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless a subdivision plat has been approved and recorded and the required unit improvements relative to subdivision have been constructed or guaranteed as provided in this Chapter.

1100.05. Required Approvals of Subdivision Plats. Before any plat shall have any validity, it shall have been approved by the City Council and recorded in the office of the County Recorder.

1100.06. Definitions. The following terms, as used in this Chapter, shall have the meanings

stated:

Subd. 1. Attorney. The term “attorney” means the City Attorney.

Subd. 2. Block. The term “block” means the enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

Subd. 3. Boulevard. The term “boulevard” means the portion of the street right-of-way between the curb line or edge of sheet surface and the property line.

Subd. 4. Butt Lot. The term “butt lot” means a lot at the end of a block and located between two corner lots.

Subd. 5. Certified Survey. The phrase “certified survey” means a survey prepared by and certified by a professional surveyor licensed by the State of Minnesota.

Subd. 6. Cluster Development. The term “cluster development” means a subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Chapter and the Zoning Chapter.

Subd. 7. Comprehensive Policies Plan. The phrase “comprehensive policies plan” means the plan prepared by the City which includes a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use and for the general physical development of the City and includes any plan or parts thereof.

Subd. 8. Contour Map. The term “contour map” means a map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Subd. 9. Copy. The term “copy” means a print or reproduction made from an original.

Subd. 10. Corner Lot. The phrase “corner lot” means a lot bordered on at least two sides by streets.

Subd. 11. County Board. The phrase “county board” refers to the Faribault County Board of Commissioners.

Subd. 12. Development. The term “development” means the act of building structures and installing site improvements.

Subd. 13. Double Frontage Lots. The phrase “double frontage lots” means lots which have a front line abutting on one street and a back or rear line abutting on another street.

Subd. 14. Drainage Course. The phrase “drainage course” means a water course or indenture for the drainage of surface water.

Subd. 15. Easement. The term “easement” means a grant by an owner of land for a specific use by persons other than the owner.

Subd. 16. Engineer. The term “engineer” means the registered engineer employed by the City unless otherwise stated.

Subd. 17. Final Plat. The phrase “final plat” means the final map, drawing or chart on which the subdivider’s plan of subdivision is presented to the Council for approval and which, if approved, will be submitted to the County Recorder.

Subd. 18. Key Map. The phrase “key map” means a map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

Subd. 19. Lot. The term “lot” means a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of

survey map, for the purpose of sale or lease or separate use thereof.

Subd. 20. Metes and Bounds Description. The phrase “metes and bounds description” means a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the direction and distances of the lines forming the boundaries of the property.

Subd. 21. Minimum Subdivision Design Standards. The phrase “minimum subdivision design standards” means the guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Subd. 22. Natural Waterway. The phrase “natural waterway” means a natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Subd. 23. Owner. The term “owner” means an individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Subd. 24. Pedestrian Way. The phrase “pedestrian way” means a public right-of-way across or within a block, to be used by pedestrians.

Subd. 25. Plat. The term “plat” means a map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State laws.

Subd. 26. Preliminary Plat. The phrase “preliminary plat” means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and council for their consideration.

Subd. 27. Private Street. The phrase “private street” means a street serving as vehicular access to two or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

Subd. 28. Protective Covenants. The phrase “protective covenants” means contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Subd. 29. Registered (Torrens) Land. The phrase “registered (Torrens) land” means property registered and governed by the requirements of Minnesota Statutes, Chapter 508. The requirements of this Statute shall apply to registered land, including the platting thereof.

Subd. 30. Registered (Torrens) Land Survey. The phrase “registered (Torrens) land survey” means a certified survey prepared under the requirements of Minnesota Statutes, Chapter 508 for registered land. References to certified surveys in this Chapter shall include Registered Land Surveys for registered land.

Subd. 31. Right-of-Way. The term “right-of-way” means the land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

Subd. 32. Sketch Plan. The phrase “sketch plan” means a drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Subd. 33. Streets and Alleys. The terms “streets” and “alleys” mean the following:

A. Street - A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.

B. Collector Street - A street which carries traffic from local streets to arterials.

C. Cul-de-sac - A minor street with only one outlet and having a turn-around.

D. Frontage Road - Marginal access street, or otherwise designated, is a minor street, which is parallel and adjacent to a thoroughfare and which provided access to abutting properties and protection from through traffic.

E. Local Street - A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.

F. Alley - A minor way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.

G. Arterial Street - A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the City and beyond.

Subd. 34. Street Width. The phrase “street width” means the shortest distance between the lines delineating the right-of-way of a street.

Subd. 35. Subdivider. The term “subdivider” means any person commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.

Subd. 36. Subdivision. The term “subdivision” means a subdivision is the dividing of any parcel of land into two or more parcels.

A. Platted Subdivision - If any resultant parcel is less than five acres in area and less than 300 feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels must be platted in accordance with the terms and procedure of this Chapter.

B. Unplatted Subdivision - A division of any parcel of land into two or more parts wherein all parts are at least five acres and at least 300 feet in width and where no new road is involved. These do not require platting.

Subd. 37. Surveyor. The term “surveyor” means the City Surveyor or Engineer.

Subd. 38. Tracing. The term “tracing” means a plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

Section 1110 - Platting Procedures.

1110.01. Pre-Application Meeting. Prior to the preparation of a Preliminary Plat, the subdividers or owners may meet with the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable City Code provisions, regulations and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing City facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site. The subdivider is urged to avail himself or herself of the advice and assistance of the Planning Commission and City Planning and Engineering staff at this point in order to save time and effort, and to facilitate the approval of the Preliminary Plat.

1110.02. Preliminary Plat.

Subd 1. Required Copies. After the pre-application meeting, the subdividers or owners shall file with the Clerk-Administrator five (5) copies of a Preliminary Plat and a cash fee of \$100.00 plus \$2.00 for each lot. This fee will be used for the expenses of the City in connection with the review of said Plat. The Clerk-Administrator shall refer one copy of the Preliminary Plat to the Zoning Administrator, and two copies to the Planning Commission for their review and report. (*Section 1110.02, Subd. 1 amended per Ordinance 99-08 on 9-21-99.*)

Subd. 2. Planning Commission Meeting and Report. Within forty-five (45) days after the Plat was filed and after reports and certifications have been received as requested, the Planning Commission shall hold a public hearing on the Preliminary Plat after notice of the time and place thereof has been published once in the official newspaper at least ten (10) days before the day of the hearing. This shall constitute the public hearing on the Plat as required by State law. Within fifteen (15) days of the date of the public hearing, the Planning Commission shall make its report to the Council. The Planning Commission and the Zoning Administrator may forward to the Council a favorable, conditional or unfavorable report and said reports shall contain a statement of findings and recommendations.

Subd. 3. Council Action. The Council shall act to approve or disapprove within sixty (60) days of receiving the Planning Commission's report. If no action is taken by the Council within the sixty (60) days, the preliminary plat is presumed to be approved. If the Council disapproves the Preliminary Plat, the grounds for any such disapproval shall be set forth in the minutes of the Council meeting and reported to the owners or subdividers.

Subd. 4. Approval. The approval of a Preliminary Plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he or she may proceed toward Final Plat in accordance with the terms of approval and provisions of this Chapter.

Subd. 5. Interim Improvements. During the intervening time between approval of the Preliminary Plat and the signing of the Final Plat, the subdivider must submit acceptable engineering plans for all required improvements.

Subd. 6. Mandatory Denial. In the case of all subdivisions, the Planning Commission shall recommend denial of, and the Council shall deny, approval of a Preliminary or Final Plat if it makes any of the following findings:

A. That the proposed subdivision is in conflict with adopted applicable general and specific plans of the City;

B. That the design or improvement of the proposed subdivision is in conflict with any adopted component of the Comprehensive Plan of the City;

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

D. That the site is not physically suitable for the proposed density of development;

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;

F. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

G. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a Court;

1110.03. Final Plat.

Subd. 1. Required Copies. The owners or subdividers shall file five (5) copies of the Final Plat with the Clerk-Administrator. If this is not done within ninety (90) days, the Preliminary Plat will be considered void unless for good cause an extension is requested in writing by the subdivider and granted by the Council. The owners or subdividers shall also submit at this time an up-to-date certified abstract of title or registered property report.

Subd. 2. Changes to Preliminary Plat to be Incorporated. The Final Plat shall have incorporated all changes recommended by the Zoning Administrator, the County Engineer regarding county roads and Planning Commission as conditions to approval of the Preliminary Plat, but in all other respects it shall conform to the Preliminary Plat as approved. It may constitute only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at that time, provided that such a portion conforms with all requirements of this Chapter.

Subd. 3. Action on Final Plat. The Clerk-Administrator shall refer to the City Engineer and the County Surveyor two (2) copies of the Final Plat and two (2) copies of the Final Plat to the Planning Commission for its review and report. The report of these agencies and persons shall be submitted to the Council within thirty (30) days of the date of submission of the Plat and the Council shall act on the Final Plat within sixty (60) days of submission of the Plat to the Clerk-Administrator. Failure of the Council to act within the sixty (60) days will result in approval of the Final Plat.

Subd. 4. Recording of Final Plat. Upon approval of the Final Plat by the Council the subdivider shall record such Final Plat with the County Recorder, as provided for by that office, within 120 days after the approval. Otherwise the approval of the Final Plat shall be considered void. The subdivider shall, within thirty (30) days of recording, furnish the City with three (3) black line prints and a reproducible copy of the Final Plat showing evidence of the recording.

1110.04. Data for Preliminary and Final Plats.

Subd. 1. Data for Preliminary Plat.

A. Identification and Description.

1. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County.
2. Location by section, township, range, and by legal description.
3. Name of City.
4. Names and addresses of the record owner and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plan. (*Section 1110.04, Subd. 1A(4) amended per Ordinance 99-08 on 9-21-99.*)
5. Graphic scale not less than one inch to 100 feet.
6. North point.
7. Key map including area within one mile radius of plat.
8. Date of preparation.

B. Existing Conditions.

1. Boundary line of proposed subdivision, clearly indicated and to a close degree of accuracy.
2. Existing zoning classifications for land within and abutting the subdivision.
3. A general statement on the approximate acreage and dimensions of the lots.
4. Location, right-of-way width, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements and section and corporate lines within the plan and to a distance 150 feet beyond shall also be indicated.
5. Boundary lines of adjoining unsubdivided or subdivided land, within 150 feet, identified by name including all contiguous land owned or controlled by the subdivider.
6. Topographic data, including contours at vertical intervals of ten (10) feet, water courses, marshes, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. United States Geological Survey (USGS) datum shall be used for all topographic mapping where feasible. The City may require topographic data at two (2) or five (5) foot intervals if conditions warrant it.
7. An accurate soil survey may be required of the subdivision prepared by a qualified person. Soil percolation tests may also be required if conditions warrant it.

C. Subdivision Design Features.

1. Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross-sections, and proposed names of streets. The name of any street heretofore used in the City shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
2. Locations and widths of proposed alleys and pedestrian ways.
3. Layout, numbers and preliminary dimensions of lots and blocks.
4. Minimum front and side street building setback lines.
5. When lots are located on a curve, the width of the lot at the building setback line.
6. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

7. Placement of all public utilities including sewer, water, electrical, and telephone and the location and width of all utility easements.

D. Other Information.

1. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

2. Provision for surface water disposal, drainage, and flood control.

3. If any zoning changes are contemplated, the proposed zoning plan for the areas.

4. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.

5. Potential resubdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated in a satisfactory manner.

6. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.

7. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

8. Such other information as may be requested by the Zoning Administrator or Planning Commission.

Subd. 2. Data for Final Plat.

A. General. The Plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and of this Chapter.

B. Title opinion by a practicing attorney-at-law based upon an examination of an abstract of the records of the County Recorder or the Registrar of Titles for the lands included within the plat and showing the title to be in the name of the owner or subdivider. The date of examination of the records shall be within thirty (30) days prior to the date the Final Plat is filed with the County Auditor. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the Plat with the County Recorder.

Section 1120 - Subdivision Design Standards

1120.01. General Requirements.

Subd. 1. City Requirements Considered. The Planning Commission, in its review of the Preliminary Plat, will take into consideration the requirements of the City and the best use of the land being subdivided.

Subd. 2. Comprehensive Plan to Be Followed. If a Comprehensive Plan or official map has been adopted by the city, the subdivision shall conform to it.

Subd. 3. Arrangement Considerations. The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

1120.02. Streets.

Subd. 1. Widths. Street right-of-way widths shall be as determined in the Policies Plan and official map and, where applicable, shall conform to County and State standards for trunk highways. If there is no such plan or standard, right-of-way widths shall conform to the following minimum dimensions:

<u>Street</u>	<u>Right-of-Way width</u>
Major Arterial	250 feet
Minor Arterial	100 feet
Collectors	60-80 feet
Local	60 feet
Marginal Access Roads	60 feet
Cul-de-sac Streets	60 feet
Cul-de-sac Turnaround Radius	60 feet

Subd. 2. Street Intersections. Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than seventy-five (75) degrees. Intersections having more than four (4) corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated.

Subd. 3. Tangents. A tangent of at least 300 feet shall be introduced between reverse curves on arterial and collector streets. Except that the tangent may be omitted on reverse curbs with a radius greater than 1,000 feet.

Subd. 4. Deflections. When connecting street lines deflect from each other at one (1) point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to

insure a sight distance of not less than 500 feet for arterials, 300 feet for collectors, 100 feet for all other streets. The Planning Commission may allow greater or lesser sight distances at the recommendation of the Engineer.

Subd. 5. Street Jogs. Street jogs with centerline offsets of less than 100 feet shall be avoided for local streets.

Subd. 6. Local Streets. Minor streets shall be laid out so that their use by through traffic is discouraged.

Subd. 7. Cul-de-sac. The maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way.

Subd. 8. Centerline Gradients. All centerline gradients shall be at least 0.4% and shall not exceed the following: arterials and collector streets - five percent (5%); and minor streets and marginal access streets - eight percent (8%).

Subd. 9. Street Grading. The right-of-way of each street and alley dedicated in the Plat shall be graded. All streets and alleys shall have an adequate sub-base and shall be improved with all-weather permanent surface five (5) ton capacity in accordance with the design standards specified by the City. Except in areas where lot widths exceed 100 feet or topography or tree cover dictates otherwise, grading shall provide for easy installation of sidewalks at some future time.

Subd. 10. Concrete Curb and Gutter. Concrete curb and gutter may be required for all paved streets.

Subd. 11. Sidewalks. Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.

Subd. 12. Access to Arterial Streets. In the case where a proposed Plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access arterials shall be at intervals of not less than one-fourth (1/4) mile and through existing and established cross roads where possible.

Subd. 13. Platting of Small Tracts. In the platting of small tracts of land fronting on arterial streets where there is no convenient access to existing entrances and where access from such plat would be closer than one-fourth (1/4) mile from an existing access point, a temporary entrance permit may be granted. Provision shall be made in such plats for the connection of roads to neighboring land. As the neighboring land is platted and developed, and access becomes possible at a preferred location, such temporary entrance permits shall become void.

Subd. 14. Half Streets. Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision.

Subd. 15. Hardship to Owners of Adjoining Property. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

1120.03. Blocks. The length, width and acreage of blocks shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1,300 feet or shorter than 300 feet only if the Zoning Administrator and Highway Engineer agree that exceptions are warranted. Exceptions may be warranted in order to foster design originality

provided that such exceptions do not violate sound planning principles. Pedestrian ways may be required on blocks longer than 900 feet or in other areas dedicated to the City to provide access to schools, parks and other destinations. Pedestrian ways shall be at least ten (10) feet wide and shall be located so as to minimize intersections with streets.

1120.04. Lots.

Subd. 1. Size. The lot dimensions shall be such as to comply with the minimum lot areas specified in the Zoning Chapter of this Code.

Subd. 2. Side Lot Lines. Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.

Subd. 3. Drainage. Lots shall be graded so as to provide drainage away from building locations.

Subd. 4. Natural Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.

Subd. 5. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

Subd. 6. Double Frontage Lots. Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the back lot line.

Subd. 7. Large Lots. On large lots (one (1) acre or more) septic tanks and drain fields shall be located in such a way as to allow future subdivision of the land.

1120.05. Tree Removal and Conservation of Vegetation. All subdivisions shall be planned, designed, constructed and maintained so that:

Subd. 1. Existing Trees and Vegetation Preserved. Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.

Subd. 2. Existing Vegetation not Disturbed. Existing native vegetation is not disturbed, injured or removed prior to site development, except to the extent necessary to perform preliminary and final surveys.

Subd. 3. Suitable Vegetation to be Planted. Following construction, vegetation suitable to the site should be encouraged to be planted. The type or species of tree planted shall be approved by the City. Trees with root structures that are less likely to interfere with utility lines, break up sidewalks, and cause other nuisance damage are desirable.

Subd. 4. Trees Within Right-of -Way. Existing trees shall be preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.

Subd. 5. Removal of Dead Matter Required. No slash, dead trees, or uprooted stumps shall remain after development.

1120.06. Erosion and Sediment Control. The following guidelines shall be applied in the

subdivision and construction of land areas.

Subd. 1. Development Topography. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

Subd. 2. Control Measures. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

Subd. 3. Workable Size Development Required. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

Subd. 4. Shortest Exposure Required. When soil is exposed, the exposure shall be for the shortest feasible period of time.

Subd. 5. Topsoil Removal and Replacement. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

1120.07. Drainage. The natural drainage system shall be used as far as is feasible for the storage and flow of runoff. The following requirements shall also apply.

Subd. 1. Storm Water. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control.

Subd. 2. Council Permission Necessary. No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, rerouted or filled without written permission from the Council.

Subd. 3. Artificial Channels. Where artificial channels must be constructed to augment the natural drainage system, such channels as well as the natural drainage ways may be planned as part of a recreation trail system.

Subd. 4. Quick Construction Required. The drainage system shall be constructed and operational as quickly as possible during construction.

Subd. 5. Storm Sewers. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion. When feasible, curb and gutter drainages shall be handled by storm sewer.

1120.08. Utilities.

Subd. 1. Water Supply. Where the City water supply is available within a reasonable distance, the subdivider may be required to provide a connection to the City system. Where a City connection is determined to be feasible, service connections shall be stubbed into each platted lot.

Subd. 2. Sanitary Sewer. Where the City sanitary sewer is available within a reasonable

distance, the subdivider may be required to provide a connection to the City system. Where a City connection is determined to be feasible, service connections shall be stubbed into each platted lot.

Subd. 3. Other Public Utilities. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

1120.09. Easements. All easements shall be dedicated by appropriate language on the plat as required by Minnesota Statutes, Section 505.02, subd. 2.

Subd. 1. Provided for Utilities. Easements at least twelve (12) feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. They shall have continuity of alignment from block to block.

Subd. 2. Drainage. Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown in the Comprehensive Plan, to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff from a ten (10) year storm of one (1) hour duration. Where necessary, drainage easements corresponding with lot line shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width and shall be designed so as not to cause problems for adjacent property owners.

1120.10. Steep Slopes. Subdivision design shall be consistent with limitations presented by steep slopes. Subdivision shall be designed so that no construction or grading will be conducted on slopes steeper than eighteen percent (18%) in grade.

1120.11. Monuments. Monuments of a permanent character, as required by Minnesota Statutes, Section 505.02, shall be placed at each corner or angle on the outside boundary of the subdivision. Pipes or steel rods shall also be placed at each corner of each lot prior to the approval of the Final Plat.

Section 1130 - Improvements

1130.01. General Requirement. Prior to the Final Plat approval, the subdivider shall agree to provide the required improvements at his or her own expense in conformity with the construction plan approved by the City Engineer and in conformity with the requirements of this Chapter.

1130.02. Payment for Installation of Improvements. The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the public. Provided, however, that in the case of an improvement, the cost of which would be general policy of the City be assessed only in part to the improved property and the remaining cost paid out of general tax levy, the Council may make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the City. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the Council may make provision for causing a portion of the cost of the improvement representing the benefit to such lands to be assessed against the same; and in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

1130.03. Contract for Installation of Improvements.

Subd. 1. Petition. Prior to installation of any required improvements and prior to approval of the Final Plat, the subdivider shall petition the City for the necessary improvements subject to the Uniform Special Assessment Code as coded in Minnesota Statutes with subsequent amendments as Sections 429.011 to 429.111, or the subdivider shall enter into a contract in writing with the City requiring the subdivider to furnish and construct said improvements at his or her sole cost in accordance with the plans and specifications and usual contract conditions all approved by the City which shall include provisions for supervision of details and construction by the City Engineer. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the performance bond as specified in Subsection 1130.04 of this Chapter. The amount of the deposit and the penal amount of the bond shall equal the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the City. The time for completion of work and the several parts thereof shall be determined by the City upon recommendation of the Engineer after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year, and proper correlation with construction activity in the subdivision.

Subd. 2. Bond or Deposit. The amount of the deposit and the penal amount of the bond shall equal the Clerk-Administrator's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the City. The time for completion of work and the several parts thereof shall be determined by the City upon recommendation of the Clerk-Administrator after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year, and proper correlation with construction activity in the subdivision.

1130.04. Financial Guarantee. The contract, provided by Subsection 1130.03 above, shall

require the subdivider to make an escrow deposit or in lieu thereof furnish the performance bond as follows:

Subd. 1. Escrow Deposit. An escrow deposit shall be made with the City, including cost of inspection by the City of all improvements to be furnished and installed by the subdivider pursuant to the contract, and which have not been completed prior to the approval of the Final Plat; but the City shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the City for completion of the work in case of default of the subdivider under said contract and for any damages sustained by the City on account of any breach thereof. Upon completion of the work and termination of any liabilities to the City or the subdivider under said contract, the balance remaining of said deposit shall be refunded to the subdivider.

Subd. 2. Performance Bond. In lieu of making an escrow deposit above described, the subdivider may furnish the City with a public contract of performance bond, in the form prescribed by statute, with corporate surety in a penal sum equal to the total cost as estimated by the Clerk-Administrator including cost of inspection of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to the approval of the Final Plat. The bond shall be approved by the City Attorney and filed with the Clerk-Administrator.

1130.05. Construction Plans. Construction plans for the required improvements, conforming in all respects to the standards of the City and the applicable City Code provisions, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota; and said plans shall contain his or her seal. Such plans, together with the quantity of construction items, shall be submitted to the Clerk-Administrator for his or her approval and for his or her estimate of total cost of the required improvements; upon approval they shall become a part of the contract required in Subsection 1130.03 of this Chapter. The tracings of the plans approved by the City, plus two (2) prints, shall be furnished to the City to be filed by the City.

Section 1140 - Conveyance By Metes and Bounds

1140.01. Prohibition. Except as provided for in Section 1150 of this Chapter, no conveyance of land to which these regulations are applicable 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 the enactment of this Code.

1140.02. Exceptions. The prohibitions set out in Subsection 1140.01 shall not apply to a conveyance of land if the land is one of the following traits:

Subd. 1. Separate Parcel. The land was a separate parcel of record at the time of the enactment of this Code.

Subd. 2. Land Subject to Prior Written Conveyance Agreement. The land was the subject to a written agreement to convey entered into prior to the date of the enactment of this Code.

Subd. 3. Large Single Parcels. The land is a single parcel of land of not less than five (5) acres and having a width of not less than 300 feet.

Section 1150 - Land Division for Small Subdivisions

1150.01. General. In any case where the division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision as defined by this Chapter, a description of such land division shall be filed with the Clerk-Administrator who shall submit copies of such division to the City and County Engineer. No building permit shall be issued until said description has been received by the Planning Commission.

1150.02. Simple Lot Split. To facilitate the transfer of land between adjoining property owners where such transfer does not create additional building sites as defined in Chapter 10 of this Code, and where the resultant parcels meet the minimum zoning district requirements, the platting requirements of this Chapter may be waived by the Zoning Administrator upon compliance with the following procedures.

Subd. 1. Application Information. The subdivider shall provide the following information as part of the application:

A. A legal description of the parcel proposed to be transferred;

B. A certified survey, prepared by a licensed surveyor showing the parcel to be transferred in relation to the land of the proposed grantor and grantee, together with the area of each tract. The survey drawing shall have a minimum scale of one (1) inch equals 100 feet and a minimum size of eight and one-half (8-1/2) inches by fourteen (14) inches, unless otherwise required by the Zoning Administrator.

C. The payment of a fifty dollar (\$50.00) application fee. (*Section 1150.02, Subd. 1(C) added per Ordinance 99-08 dated 9-21-99.*)

Subd. 2. Planning Commission or Council Approval Not Required. Where the Zoning Administrator determines that the resultant parcels meet the minimum zoning district requirements, no Planning Commission or City Council review shall be required and transfer of title may be by metes and bounds description.

Subd. 3. Variances from Zoning Districts Standards to Require Review. Where the Zoning Administrator determines that the resultant parcels do not meet the minimum zoning district requirements, the proposed lot split shall be submitted to the Planning Commission with such supplemental information required by Subsection 1110.04 of this Chapter as may be determined by the Planning Commission or Zoning Administrator to be necessary for the proper evaluation of the application and variances necessitated by the lot split. Upon approval by the Planning Commission and City Council of the lot split and any required variances, transfer of title may be by metes and bounds description.

Subd. 4. Recording of Restrictions on Subsequent Transfers. To assure that minimum zoning requirements are maintained, the Zoning Administrator or the City Council may record or require the subdivider to record restrictions on subsequent transfers of all or part of the resultant parcels.

Subd. 5. Platting. Nothing in this Subsection shall prevent the subdivider from platting the simple lot split. Plat for simple lot splits shall conform to the requirements of Subsection 1150.03 of this Section.

1150.03. Minor Subdivisions. Where the combination or division of lots of record in which the resultant parcels meet the minimum zoning district requirements for buildable sites as defined in Chapter 10 of this Code, do not involve the creation or vacation of public right-of-ways, and create five (5) or less new parcels, certain requirements of this Chapter may be waived if the City Council, following consideration by the Planning Commission, so determines, and following compliance with the following procedures.

Subd. 1. Information. The subdivider shall provide the following information:

A. A legal description of the proposed subdivision;

B. A certified survey, prepared by a licensed surveyor, conforming to the requirements of Subsection 1140.04, subd. 1A , items 2,3,4,5,6 and 8 and subd. 1B, items 1-5, all of this Chapter;

C. Or, at the discretion of the subdivider, a Preliminary Plat conforming to the requirements of Subsection 1110.04, subd. 1A and subd. 1B , items 1 - 5 of this Chapter, and a Final Plat conforming to the requirements of Subsection 1110.04, subd. 2 of this Chapter;

D. Such other subdivision information required by Subsection 1110.04 as may be determined by the Planning Commission or Zoning Administrator to be necessary for the proper evaluation of the subdivision application.

Subd. 2. Subdivision Design Standards. Prior to approval of the Final Plat or transfers of any lots by metes and bounds description, the subdivider shall provide, as required by Section 1120 of this Chapter, for the installation of any improvements deemed by the City Council to be necessary for the proper development of the property in the proposed subdivision.

Subd. 3. Transfer of Title. Upon approval of the subdivision, transfer of title and the process of subdivision may be, in the case of subdivision 1C of this Subsection, by filing of a Final Plat and reference thereto.

Subd. 4. Administrative Fee. The payment of a seventy-five dollar (\$75.00) administrative fee to cover the costs of reviewing the information provided for in subdivision 1 of the Subsection. (*Section 1150.03, Subd. 4 added per Ordinance 99-08 dated 9-21-99.*)

Section 1160 - Parks, Open Space and Natural Features

1160.01. Identified Park Areas. Where a proposed park, playground or open space is identified on the Community Development Plan and that area is located in whole or in part on a subdivision, the Planning Commission shall require that such area or areas be shown on plats in accordance with the requirements specified in this Section. Such area or areas shall be dedicated to the City by the subdivider if the Council approves such dedication.

1160.02. Suitable Park Sites. The Planning Commission shall require that plats show sites of a nature that would be suitable for park, playground or other recreational development. The Planning Commission may require the developer satisfactorily grade any such recreation areas shown on the plat.

1160.03. Required Land For Public Use. In all new subdivisions, a reasonable portion of the gross area may be required to be dedicated to the public for use as parks, recreational facilities, playgrounds, trails, wetlands, or open space. If the subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee as set forth in the City's fee schedule. The City may also choose to accept a payment of cash equivalent to the value of the reasonable land portion from the subdivider in lieu of the dedication.

1160.04. Dedication During First Plat. If a new subdivision is designed to be platted in several additions, all land to be dedicated for public use, except streets, alleys or easements other than those leading to such sites shall be dedicated at the time of the platting of the first addition.

Section 1170 - Administration and Enforcement

1170.01. Administration.

Subd. 1. Zoning Administrator. The Zoning Administrator shall administer the provisions of this Chapter.

Subd. 2. Appeals. All appeals applying to the terms of this Chapter shall be made to the City Council acting as the Board of Adjustment and Appeals and subsequently may be appealed to the District Court.

1170.02. Zoning Compliance Permits. No zoning compliance permit shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this Chapter have been fully complied with.

1170.03. Modifications, Exceptions and Variances.

Subd. 1. Hardship. The City may grant a variance upon receiving a report from the Planning Commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Chapter in specific which, in its opinion, do not affect the Comprehensive Plan or the intent of this Chapter. Any modifications thus recommended shall be entered in the minutes of the Planning Commission in setting forth the reasons which justify the modifications. The Council may approve variances from these requirements in specific cases which in its opinion meets the above requirements and do not adversely affect the purposes of this Chapter.

Subd. 2. Applicability. Nothing herein shall be so construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use, or otherwise, shall be a subdivision regardless of the proposed land use if falling within the definition of a subdivision as defined herein.

Subd.3. Easements. All easements required for public purposes shall be provided at locations approved by the Council. Said easements may be for utilities, drainage, flood plain protection, lakeshore access, walking trails, etc. However, all easements other than utility and drainage easements must be conveyed and recorded at the County Recorder prior to Plat approval. No Plat shall be approved that may for any reason be detrimental to local, county or regional utility plan. Oversizing of utilities to provide future service for more intense development of the land or to provide future service to other areas may be required.

1170.04. Fees. The City Council shall determine by ordinance the fee and collection procedure for subdividing. Subdivision fees shall be set out in Appendix I to the City Code. (*Section 1170.04 amended and replaced per Ordinance 04-04 dated 1-20-04.*)

1170.05. Other Provisions.

Subd. 1. Prevention of Violations. In the event of a violation or a threatened violation of this Chapter, the City Council, or any member of the Council, in addition of other remedies, may seek to institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation, or threatened violation, and it shall be the duty of the City Attorney to institute such action.

Subd. 2. Mandamus Proceedings. Any tax payer or citizen of the City may institute mandamus proceedings in District Court to compel specific performance by the proper officials or official of any duty required by this Chapter.