

**CHAPTER 1
SUBDIVISION ORDINANCE**

TABLE OF CONTENTS

1.01. GENERAL PROVISIONS.....1

1.02. DEFINITIONS.....3

1.03. MINOR SUBDIVISION.....5

1.04. CONCEPT PLAN - MAJOR SUBDIVISION.....5

1.05. PRELIMINARY PLAT.....5

1.06. REQUIRED PRELIMINARY PLAT DATA.....6

1.07. SUBDIVISION DESIGN STANDARDS - URBAN.....7

1.08. CONSTRUCTION OF IMPROVEMENTS.....12

1.09. FINAL PLAT.....13

1.10. REGISTERED LAND SURVEYS.....15

1.11. EASEMENTS.....15

1.12. PLATS PREVIOUSLY APPROVED.....15

1.13. PERMITS.....15

1.14. PENALTIES.....15

1.15. EFFECTIVE DATE.....15

1.01. GENERAL PROVISIONS.

1.01(1) These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the City of Finlayson.

1.01(2) POLICY.

(A) It is hereby declared to be the policy of the City of Finlayson to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the official Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.

(B) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as parks, recreation facilities, and transportation facilities.

(C) The existing and proposed public improvements shall conform to and be properly related to the Comprehensive Plan of the City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Comprehensive Plan, Zoning Ordinance and Building or Housing Codes.

1.01(3) PURPOSES. Pursuant to the authority contained in Minnesota Statutes, Section 462.358, this ordinance is adopted for the following purposes:

(A) To protect and provide for the public health, safety, and general welfare of the City.

(B) To guide the future growth and development of the City, in accordance with the Comprehensive Plan.

(C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of the and to encourage the orderly and beneficial development of all parts of the City.

(E) To protect and serve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the area of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and buildings lines.

(H) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.

(I) To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

(J) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage a wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.

(K) To preserve the natural beauty of the City and to ensure appropriate development with regard to these natural features.

(L) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinance of the City.

1.01(4) JURISDICTION.

(A) These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the City of Finlayson.

(B) No land shall be subdivided within the corporate limits of the City until:

1. The developer or his agent submits a sketch plat of the parcel to the Planning Commission through its Zoning Administrator.
2. Obtain approval of the sketch plat and preliminary and final approval of the plat itself by the Planning Commission and City Council; and
3. The approval final plat is filed with the County Register of Deeds.

(C) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and is not in conformity with the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

1.01(5) ENACTMENT. In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

1.01(6) INTERPRETATION, CONFLICT AND SEPARABILITY.

(A) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(B) Conflict with Public and Private Provisions.

1. Public Provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. The City does not enforce covenants.

(C) Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission and City Council hereby declare that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1.01(7) SAVING PROVISION. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

1.01(8) AMENDMENTS. For the purpose providing the public health, safety, and general welfare, the City Council with the consultation of the Planning Commission may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission in the manner prescribed by law.

1.01(9) CONDITIONS. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the City of Finlayson. The developer has the duty of compliance with reasonable conditions laid down by the City Council and Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the City and to the safety and general welfare of the future lot owners in the subdivision and of the community at large.

1.01(10) RESUBDIVISION OF LAND.

(A) Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission and City Council by the same procedure, rules, and regulations as for a subdivision.

(B) Procedure for Subdivisions Where Future Resubdivision Is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the City Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat. Further, the City Council may also require temporary cul-de-sacs and associated temporary easements on any streets that temporarily dead-end in anticipation of future resubdivision.

(C) Minor Subdivisions. In the case of a subdivision resulting in four or less parcels, situated in a locality where conditions are well defined, the Council may exempt the developer from complying with some of the requirements of the Subdivision Ordinance. In the case of a request to subdivide a lot which is part of a recorded plat, where the subdivision is to permit the adding of a parcel of land to an abutting lot and the newly created property line will not cause the other remaining portion of the lot to be in violation of the Subdivision Ordinance or the Zoning Ordinance, the division may be approved by the City Council, after submission of a survey by a registered land surveyor indicating the original lot and the proposed subdivision.

1.01(11) VACATION OF PLATS.

(A) Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy

of such plat shall be attached, declaring the same to be vacated.

- (B) Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- (C) Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (D) When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

1.01(12) VARIANCES.

- (A) General. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Council with the recommendation of the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property in the area where property is located.
 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 4. The variances will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map.
- (B) Conditions. In approving variances, the Planning Commission and City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (C) Procedures. A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.01(13) ENFORCEMENT, VIOLATIONS, AND PENALTIES.

(A) General.

1. It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the City Council any violations or lack of compliance herewith.
2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the City Council, in accordance with the provisions of these regulations, and filed with the County Register of Deeds.
3. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
4. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

(B) Violations and Penalties. Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to a fine and/or imprisonment as provided by Section 1.14.

(C) Civil Enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

1.02. DEFINITIONS.

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this Section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders. The word "shall" is mandatory; the word "may" is discretionary.

1.02(1) ALLEY: A public right-of-way which affords a secondary means of access to abutting property.

1.02(2) BLOCK: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

1.02(3) BOULEVARD: That portion of a street right-of-way between the curb or curb line and the property line.

1.02(4) BUTT LOT. A lot at the end of a block and located between two corner lots.

1.02(5) COMPREHENSIVE PLAN. A compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the City and its environs.

- 1.02(6) DESIGN STANDARDS.** The specifications to land owners or developers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.
- 1.02(7) EASEMENT.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- 1.02(8) FINAL PLAT.** The final map and/or plan and/or record of a subdivision and any accompanying material presented to the City Council for approval and which, if approved, will be duly filed with the County Register of Deeds. Said plat must conform to all State laws.
- 1.02(9) GRADE, SLOPE OR GRADIENT.** The vertical rise or drop from any fixed horizontal line or point.
- 1.02(10) IMPROVEMENTS.** The construction or installation of public or private utilities including, but not limited to, potable water, sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks, curbs and gutters, paving, barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, transportation systems or facilities connected therewith and communication systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.
- 1.02(11) LOT.** A parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease or separation thereof, abutting a public street. For the purposes of shoreland regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.
- 1.02(12) MAJOR SUBDIVISION.** All subdivisions not classified as minor subdivisions which include the creation of five (5) or more lots or building sites, or from a parcel of land previously part of a recorded subdivision plat or from a tract of land under one ownership and contiguous, which existed on the date of passage and publication according to law.
- 1.02(13) MINOR SUBDIVISION.** Any subdivision of not more than four (4) lots or building sites. Only four (4) lots may be created by means of a Minor Subdivision within any five (5) year period from a tract of land previously part of a recorded subdivision plat or from a tract which existed on a local street.
- 1.02(14) OPEN SPACE:** An area set aside for the preservation of natural open spaces to counteract the effects of urban congestion and monotony.
- 1.02(15) OWNER:** Any individual, firm, association, syndicate, 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.
- 1.02(16) PARKS AND PLAYGROUNDS.** Public lands and open space in the City of Finlayson dedicated for and usable for recreation purposes.
- 1.02(17) PEDESTRIAN WAY:** The right-of-way across or within a block, for use by pedestrian traffic and which may be used for utilities whether designated as a pedestrian way, cross-walk or however otherwise designated.
- 1.02(18) PERSON.** An individual, to include both male and female, and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.
- 1.02(19) PLANNING COMMISSION.** The planning agency or planning department as created by the City of Finlayson.
- 1.02(20) PRELIMINARY PLAT.** The tentative map, drawing or chart indicating the proposed layout of the subdivision to be submitted hereunder in compliance with the Comprehensive Plan and these regulations including required supporting data.
- 1.02(21) PROTECTIVE COVENANTS.** Contracts made between private parties as to the manner in which land may be used with the view to protecting and preserving the physical and economic integrity of a given area.
- 1.02(22) REQUIRED PUBLIC IMPROVEMENTS.** Those improvements in any proposed subdivision, including streets, water and sewer systems and storm water drainage systems, which are required in connection with the approval of any plat or other subdivision.
- 1.02(23) RIGHT-OF-WAY.** The area within the limits of a street, alley, pedestrian way, thoroughfare or easement.
- 1.02(24) RURAL.** Areas where on-site septic systems are used.
- 1.02(25) STREETS.**
- (A) Street: A public right-of-way affording primary access by pedestrians and vehicles abutting properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, or however otherwise designated.
 - (B) Collector Street: A street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within such a development.
 - (C) Cul-De-Sac: A street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
 - (D) Local Street: A street used primarily for access to the abutting properties and the local needs of a neighborhood.
 - (E) Service Street, Lane or Road: A street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
 - (F) ROW Width: The shortest distance between the lot lines delineating the right-of-way of a street.
 - (G) Thoroughfare: A street primarily designed to carry large volumes of traffic and serves as an arterial traffic way between various districts of the City.
- 1.02(26) DEVELOPER:** Any person, firm or corporation commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

1.02(27) SUBDIVISION: The division of a parcel of land into two or more lots or parcels of land for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

1.02(28) URBAN. Areas where City hook-ups are available for conveyance and treatment of sanitary waste.

1.03. MINOR SUBDIVISION

1.03(1) In the case of a subdivision resulting in four (4) or fewer parcels and situated in a locale where conditions are well defined and no new roads or other public infrastructure is needed. At a minimum, the following information must be submitted:

- (A) A survey showing the original lot and proposed lots.
- (B) Topographic data at ten (10) foot contour intervals. Data at two (2) foot contours and flood plain information may be required if deemed necessary by the Zoning Administrator.
- (C) Buildable area on the parcels.
- (D) Driveway access points.
- (E) Drainage, grading and erosion control plans.
- (F) Wetland delineation report and map.
- (G) Soil testing for the installation of on-site septic disposal system for each lot created. Results must meet County standards.

1.03(2) A certified survey shall be prepared by a licensed land surveyor showing the boundaries of the newly created lots.

1.03(3) Prior to approval of a minor subdivision, the City reserves the right to require the dedication of streets, utility and drainage easements, or public park land or cash in lieu of land.

1.03(4) All wetland areas and DNR protected waters shall be protected with a drainage easement up to the 100 year flood elevation or the wetland boundary, whichever is more restrictive.

1.03(5) A maximum of four (4) lots in a five (5) year period are permitted for contiguous land under one ownership utilizing the minor subdivision procedure.

1.03(6) The Zoning Administrator shall review all minor subdivisions for compliance with the City of Finlayson Subdivision Ordinance prior to recording of the proposed lot division.

1.03(7) In addition to other requirements, all requirements of Sections 1.03 of this Chapter must be met where applicable. Further, the following must be completed:

- (A) Drainage easements must be dedicated as necessary.
- (B) Road right-of-way must be dedicated as necessary.

1.04. CONCEPT PLAN - MAJOR SUBDIVISION.

1.04(1) Developers shall prepare ten (10) copies of a subdivision concept plan for review by the Planning Commission. Such concept plan will be considered as having been submitted for informal discussion between the developer and the Planning Commission. No fee shall be required of the developer for the submission of a concept plan.

1.04(2) A proposed subdivision concept plan shall contain the following information:

- (A) Site location map showing the major streets, school location, commercial centers and other significant developments.
- (B) Tract boundaries.
- (C) North point and scale.
- (D) Streets within and adjacent to tract.
- (E) Topography and physical features.
- (F) Proposed general street design.
- (G) Proposed lot size and orientation.

1.04(3) Submission of a subdivision concept plan shall not constitute formal filing of a plan with the City. On the basis of the subdivision concept plan, the Planning Commission may informally advise the developer of the extent to which the plan conforms to the Comprehensive Plan, design standards of this ordinance and to other ordinances of the City, and may discuss possible modification necessary to secure approval of the plan.

1.05. PRELIMINARY PLAT.

1.05(1) PROCEDURE. Prior to dividing any tract of land into five or more lots or parcels of land, the owner or developer shall proceed as follows:

- (A) The developer shall file twelve (12) copies of the preliminary plat with the Zoning Administrator at least 14 calendar days before the next regular monthly meeting of the Planning Commission at which meeting said plat shall be considered.
- (B) At the time of the filing of the preliminary plat, the developer shall pay to the City a fee established by the City Council. The foregoing fees shall be used to defray the administration expense of the City in connection with the review of said plat. City expense incurred in employing the services of the City Engineer, City Attorney, and other professional consultants in connection with the review of said plat shall be reimbursed to the City by the developer.
- (C) The Zoning Administrator shall refer five (5) copies of the preliminary plat to the Planning Commission, one (1) copy to the City Engineer/Planner, and five (5) copies to the City Council.
- (D) The City Engineer/Planner shall submit a written report to the Planning Commission, which shall deal with drainage, street and other engineering matters pertinent to said preliminary plat. Said report shall be submitted to the Planning Commission at least seven (7) days prior to the public hearing prescribed by the following subsection.
- (E) The Planning Commission shall hold a public hearing on the preliminary plat within 45 days after said preliminary plat is filed with the Zoning Administrator. At said hearing all persons interested in the plat shall be heard. Notice of the time and place of said hearing and the full legal description of the area to be subdivided shall be published once in the official newspaper of the City at least ten (10) days before the day of the hearing. The developer shall furnish the City Clerk with the names and mailing addresses of the owners of all lands

within 350 ft. (106.6 m) of the boundaries of the preliminary plat, and the Clerk shall give mailed notice of said hearing to said owners at least ten (10) days prior to the day of said hearing. The cost of publication of said notice shall be paid by the developer in addition to the other fees to be paid hereunder.

- (F) The Planning Commission shall conduct the hearing on the preliminary plat and shall make its report to the City Council within ten (10) days after said hearing. It shall be the duty of the Planning Commission to determine whether the preliminary plat is compatible with the Comprehensive Plan and conforms with or exceeds the design standards established by this ordinance. The decision of the Planning Commission with regard thereto, together with its recommendations, shall be included in its report to the City Council.
- (G) After the City Council received the report of the Planning Commission, the Council shall act to approve or disapprove the preliminary plat. If the Council shall disapprove said plat, the grounds for any such disapproval shall be set forth in the proceedings of the Council and reported to the developer within seven (7) days thereafter.
- (H) Approval of a preliminary plat by the City Council is tentative only, subject to the compliance with all requirements and recommendations as a basis for preparation of the final plat.
- (I) At the time of the filing of the preliminary plat the developer of the land covered by the plat shall submit to the Zoning Administrator a petition for rezoning to the proposed future use of said land if the land is not already so zoned. The owner of said land shall join in said petition.
- (J) Subsequent approval by the City Council shall be required of all engineering considerations presented in the preliminary plat which include, but which shall not be limited to easements, water supply, sewage disposal, storm drainage, surface water storage, gas and electric services, road gradients and widths, and the surfacing of streets, prior to the approval of the final plat by the City Council.
- (K) The City Council shall act on the preliminary plat within 30 days after the conclusion of the public hearing required by Subsection E hereof. If the report of the Planning Commission has not been received within said period, the Council shall act without such report.
- (L) If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the subdivision.

1.06. REQUIRED PRELIMINARY PLAT DATA.

The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:

1.06(1) IDENTIFICATION AND DESCRIPTION.

- (A) Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the County.
- (B) Legal description of property according to the records in the Pine County Recorder of Deeds office.
- (C) Names and addresses of the owner and developer of the land, and the designer and surveyor of said plat. If the developer is not the fee owner of the land, the developer shall submit the written consent of the fee owner to the filing of the preliminary plat.
- (D) Graphic scale of not more than 100 feet (30.5 m) to an inch (2.5 cm).
- (E) North point, designated as true north.
- (F) Date of preparation.
- (G) Certification by registered surveyor certifying to accuracy of survey.

1.06(2) EXISTING CONDITIONS.

- (A) Boundary line survey, including measured distances and angles, which shall be tied into the nearest quarter section or section line by traverse.
- (B) Existing zoning classification for tract of land in and abutting the preliminary plat.
- (C) Total acreage to tenths.
- (D) Location and names of existing or platted streets and other public ways, parks and public open spaces, permanent buildings and structures, easements, and section and municipal boundary lines within the plat and to a distance of 100 ft. (30.5 m) beyond.
- (E) If the preliminary plat is a re-arrangement or a re-plat of any recorded plat, the lot and block arrangement of the original plat, its original name, and all revised or vacated roadways shall be shown by dotted or dashed lines.
- (F) Location and width of existing streets including type of surfacing, railroads, sanitary sewers, water mains, storm sewers, culverts, grades, invert elevations and locations of catch basins, manholes and hydrants and any underground facilities within the plat and to a distance of 100 ft. (30.5 m) beyond shall be shown.
- (G) Boundary lines of land within 100 ft. (30.5 m) of the tract of land within the plat, and the name of the owner thereof, but including all contiguous land owned or controlled by the subdivides or owner of the tract proposed to be platted.
- (H) Topographic data within the tract and 100 ft. (30.5 m) beyond its boundaries, including contours at vertical intervals of not more than two ft. (.61 m), except that where the horizontal contour interval is 100 ft. (30.5 m) or more, a one ft. (.3 m) vertical interval shall be shown. Water courses, lakes, marshes, wooded areas, rock outcrops and other significant physical features shall be shown. U. S. Geodetic survey data shall be used for all topographic mapping.
- (I) If applicable, limits of flood plain, floodways and flood areas.

- (J) Slope analysis. Identify in map form the following slope categories: 0 to 6%, 6 to 12%, 12 to 18% and over 18%.
- (K) A copy of the soil survey map covering the proposed plat issued by the Soil Conservation Service of the U. S. Department of Agriculture, if available.

1.06(3) SUBDIVISION DESIGN FEATURES - URBAN (SERVED BY PUBLIC SEWERS).

- (A) Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event said name shall be used.
- (B) Locations and widths of alleys, pedestrian ways and utility easements.
- (C) Profiles of existing and proposed centerline grades of streets, alleys, sanitary sewers, water mains, storm sewers, drainage ditches and culverts.
- (D) Layouts of lots and blocks with numbers of each, square footage of lots and lot dimensions scaled to the nearest tenth of a foot.
- (E) Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas.
- (F) Minimum front, back and side yard building setback lines as required by the ordinances of the City.
- (G) Proposed method of disposing of surface water drainage within and beyond the limits of the plat.
- (H) Whenever a portion of a tract of land is proposed for subdividing and said tract is large enough or is intended for future enlargement, a tentative plan for the future subdivision of the entire tract shall be submitted to the Planning Commission.
- (I) Proposed method of controlling soil erosion and sedimentation within and beyond the limits of the plat during all phases of construction and thereafter.

1.06(4) ADDITIONAL INFORMATION TO BE FURNISHED.

- (A) Statement of proposed use of lots, i.e., whether residential, commercial, industrial or combination thereof. If residential, state type and number of dwelling units. Furnish sufficient details for all types of usage in order to reveal the effect of the subdivision development on traffic, fire protection and density of population.
- (B) Source of water supply.
- (C) Facilities for sewage disposal.
- (D) If zoning changes are contemplated, the proposed zoning plan for the area.
- (E) In areas affected by inadequate surface drainage or subjected to periodic flooding, furnish proposals designed to make area safe for occupancy and to provide for adequate street and lot drainage.
- (F) Proposals for street lighting, curb, gutter, sidewalks and boulevard improvements.
- (G) Such other information as shall be requested by the Planning Commission or City Engineer.

- (H) In areas in which soil limitations for the proposed land use are indicated by the soil survey map, furnish proposals covering the details of the soil conservation practices to be employed to overcome all such soil limitations.

1.07. SUBDIVISION DESIGN STANDARDS - URBAN.

1.07(1) GENERAL REQUIREMENTS.

- (A) The Planning Commission in its review of a preliminary plat shall determine whether the proposed subdivision is in conformity with the Comprehensive Plan, and shall take into consideration the requirements of the community and the best use of the land. Particular attention shall be given to the arrangement, location and widths of streets, drainage and lot sizes and arrangements.
- (B) The preliminary plat shall cover all of the owner's contiguous land, but the final plat may cover only a portion of the preliminary plat provided it is in conformity with an approved preliminary plat.
- (C) Where the parcel of land is subdivided into tracts larger than required for building lots, such tracts shall be divided so as to allow for the opening of streets and ultimate extension of adjacent streets.
- (D) Subdivisions indicating unplatted portions of land or private easements controlling access to public ways shall not be approved.

1.07(2) STREET PLAN.

- (A) The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan, the approved standard street specifications, and all applicable ordinances, and all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- (B) The arrangement of streets in new subdivisions shall make provision for the continuation of existing and future streets in adjoining areas.

1.07(3) STREETS.

- (A) Street Width and Grades.

The following standards of street design shall be observed by the developer:

Street Category	Min. Width Right-of-Way	Min. Width Prepared Surface*	Max. Grade	Min. Grade
Arterial (STH 18)	80 - 100 ft.	52 ft.	7%	0.5%
Collector (CTH's 34 & 35)	66-80 ft.	41 ft.	7%	0.5%
Local (Township Roads & City Streets)	50-66 ft.	30 ft.	7%	0.5%
Private Streets	50-66 ft.	24 ft.	7%	0.5%
Alleys	20 ft.	20 ft.	7%	0.5%
Cul-de-Sac	50 ft. radius	42 ft. radius	7%	0.5%
Easement	20-foot strip of land with 10 feet on each side			

* Concrete, Asphalt, Recycled Concrete or Recycled Asphalt, or Class 5 Gravel. Concrete or asphalt width to include curb and gutter.

- (B) Deflections. Where horizontal street lines deflect from each other at any point more than 10 degrees, said street lines shall be connected by a curve with a radius of not less than 100 ft. (30.5 m) for minor and collector streets and of such greater radii in the case of other streets as the Planning Commission may determine.
- (C) Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of said vertical curves shall be 20 times the algebraic difference in the percentage of grade of the two adjacent slopes.
- (D) Street Jogs. Street jogs shall be avoided.
- (E) Cul-de-Sacs. The maximum length of cul-de-sac streets shall be 500 feet (152.5 m) measured along the center line from the intersection of origin to the end of the right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 100 ft. (30.5 m) and a minimum roadway diameter of 84 ft. (25.6 m). The property line at the intersection of the turnaround and the straight portion of the street shall be rounded at a radius of not less than 15 ft. (4.57 m). The City Council may require a temporary cul-de-sac and associated temporary easements on any street that temporarily dead-ends in anticipation of future resubdivision or development of adjacent property. Any temporary cul-de-sac shall be paved and have a minimum diameter as determined by the City Council, but not less than 70 ft. (21.3m). Any temporary cul-de-sac shall further be designed and constructed to drain surface water to existing storm sewer improvements and to meet all other specifications that the City Council may require.
- (F) Half Streets. Half streets shall be prohibited.
- (G) Private Streets.
1. Private streets may be permitted only at the discretion of the City Council if the City finds all of the following conditions to exist:
 - a. The prevailing development pattern makes it unfeasible or inappropriate to construct a public street (In making this determination the City may consider the location of existing property lines and homes, local or geographic conditions and the existence of wetlands and other natural features);
 - b. After reviewing the surrounding area, it is concluded that an extension of the public street system is not required to serve other, parcels in the area, improve access or to provide a street system consistent with the Comprehensive Plan; and
 - c. The use of a private street will permit enhanced protection of the City's natural resources including wetlands and forested areas.
 2. If the use of a private street is to be allowed, it shall be subject to the following standards:
 - a. Private streets shall be built to a seven-ton design, to a minimum width of twenty-four (24) feet of driving surface, utilize a maximum grade of ten (10) percent and provide a turnaround acceptable to the Fire Chief based on applicable fire codes. Plans for the street shall be submitted to the City Engineer for review and comment. Upon completion of the private street, the applicant shall provide the City with a set of "as-built" plans signed by a registered civil engineer.
 - b. Private streets must be maintained in good condition and plowed within twenty-four (24) hours of a snowfall greater than two (2) inches. Covenants concerning maintenance shall be filed against all benefiting properties. The developer shall post "No Parking - Fire Lane" signs along the private street in locations designated by the Fire Chief and shall prohibit parking on any other portions of private streets in which the City determines that parking may endanger the public safety or welfare.
 - c. Private streets that are not usable by emergency vehicles because of obstructions, snow accumulation, or poor maintenance are a public safety hazard. The City may remedy such conditions and assess the cost back to the property pursuant to Minnesota Statutes Section 429.101, Subd. 1(C).
 - d. The private street shall be provided with adequate drainage facilities to convey storm runoff based upon hydrologic calculations for a 2-year, 10-year, and 100-year storm. These calculations shall be reviewed by the City Engineer.
 - e. City approved street name signs must be posted at the point where the private street intersects the public right-of-way.
 - f. The private street shall be designed to minimize impacts on adjoining parcels. The City may require revised alignments and landscaping to minimize impacts. An erosion control plan shall be completed and approved prior to construction.
 - g. Private streets must be located within a strip of property at least forty (40) feet wide extending out to the public right-of-way or covered by a forty (40) foot wide easement that is permanently recorded over all benefited and impacted parcels.
 - h. The City will perform routine maintenance and repair of utility main located within the private street easement. The cost of repair of individual utility services connected to the main shall be the responsibility of the benefiting properties.
- (H) Adjoining Property. Street rights-of-way shall not be planned so as to cause hardship to owners of adjoining property.
- (I) Intersections. The angle formed by the intersection of streets shall not be less than 60 degrees, with 90 degree intersections preferred. Intersections of more than four corners are prohibited.

- (J) Boulevard Sodding/Seeding. Boulevard sodding and/or seeding shall be required.
- (K) Tangent. A tangent of at least 100 ft. (30.5 m) in length shall be introduced between reverse curves on thoroughfare and collector streets, and a tangent of at least 50 ft. (15.2 m) in length shall be introduced between reverse curves on all other streets.
- (L) Corners. Roadways of street intersections shall be rounded by a radius of not less than 20 ft. (6.1 m). Roadways of alley-street intersections shall be rounded by a radius of not less than 10 ft. (3.05 m).

1.07(4) SUBDIVISION DESIGN STANDARDS - RURAL.

- (A) Street Plan.
 1. Proposed streets shall conform to the state, county, or local road plans or preliminary plans as have been prepared, adopted and/or filed as prescribed bylaw.
 2. Streets shall be logically related to the topography so as to produce useable lots and reasonable grades.
 3. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips and land-locked areas shall not be created.
 4. The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets into adjoining areas.
 5. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be rough graded or documented that grading can be accomplished within the right-of-way.
 6. Local streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for serving lots, or other means.
 7. Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, reasonable assurance for dedication of the remaining part of the street can be secured.
 8. Whenever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted and dedicated if the dedication results in a reasonable subdivision design for the area.
 9. Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac streets.

10. Private streets shall be prohibited except roads serving four (4) or fewer lots. Roads serving four (4) or fewer lots shall be identified on the face of the Certified Survey Map as private roads or streets. All such Certified Surveys shall contain a statement stating "The City of Finlayson incurs no obligation to maintain or repair the shown non-dedicated roadway." All other streets shall be dedicated for public use. Road Maintenance agreement to be in place for those owners using private roads.
11. 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.

- (B) Cul-de-Sac Streets.
 1. For the purposes of this Ordinance, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road shall be measured from the point at which there is no secondary access. The end is to be measured at the center of the cul-de-sac.
 2. Lots with frontage at the end of the cul-de-sac shall have a minimum of sixty (60) feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.
 3. Temporary cul-de-sacs are those in which it can be clearly shown that the road could reasonably continue and would result in a through road at some time in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.
 4. Cul-de-sac streets, permanently designed as such, shall not exceed 500 feet in length in areas where lots are less than three (3) acres in size.
 5. Where lots are three (3) acres in size or greater, cul-de-sacs permanently designed as such shall not exceed one quarter (1/4) mile in length.
 6. In areas where lots are three (3) acres or greater, temporary cul-de-sacs shall not exceed 2,640 feet (1/2 mile) nor provide access to more than 20 home sites.
 7. In areas where lots are less than three (3) acres, temporary cul-de-sacs shall not exceed 800 feet nor provide access to more than 20 home sites.
 8. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future expansion of the street into the adjoining tract. At such time as a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround. To assure such streets can be constructed according to these regulations, the street shall be rough graded or typical sections shall be submitted and approved by the City

Engineer to show construction can stay within the right-of-way.

(C) Street Design.

1. Minimum right-of-way widths and pavement widths for each type of public street or road shall be as follows:

RURAL DESIGN

Type of Street	Minimum Right-of Way Width	Minimum Roadway Width*	Shoulder Width
Minor Arterial (STH 18)	100 ft (36.6m)	24 ft (12.2m)	8 ft
Collector or Commercial - Industrial Street (CTH 34 & 35)	80 ft (30.5m)	24 ft (12.2m)	8 ft
Local (Township Roads and City Streets)	60 ft (18.3m)	24 ft (12.2m)	4 ft

* Concrete, Asphalt, Recycled Concrete or Recycled Asphalt, or Class 5 Gravel

2. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
3. The minimum radius for a cul-de-sac shall be forty-five (45) feet.
4. Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Additional width may also be necessary due to topography in order to provide adequate earth slopes.
5. Access to streets shall be regulated as follows:
 - a. Access of streets within the subdivision to other local streets shall meet the requirements of the City of Finlayson Zoning Ordinance.
 - b. Access of streets within the subdivision to any public street or highway shall meet all requirements of County and State requirements.
6. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
7. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than two hundred (200) feet.
8. Centerline gradients shall be at least 0.50 percent and grades shall not exceed eight percent (8%).
9. Different connecting street gradients shall be connected with vertical curves. Minimum length of these curves shall be thirty times (30X) the algebraic difference in the percent of grade of the two adjacent slopes.
10. The angle formed by any intersection of streets shall not be less than seventy (70) degrees with ninety (90) degree intersections preferred.

11. Intersections having more than four (4) streets converging at a single intersecting point shall be prohibited.
12. Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Roadways of alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances of turn-around portions of the cul-de-sacs shall be rounded by a radius of not less than thirty (30) feet.

(D) Easements.

1. Easements of at least twenty (20) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a 10-foot wide front or side yard easement is required. These easements shall be dedicated on the final plat.
2. Drainage easements shall be provided along each side of the center line of any water course or drainage channel to a sufficient width to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of drainage systems. Drainage easements shall be dedicated around wetlands and DNR designated lakes, rivers and streams up to the 100 year flood elevation or delineated boundary, whichever is greater.
3. Utility and drainage easements shall be dedicated for the required use.

(E) Street Names and Signs.

1. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name of the existing or platted street.
2. All street signs shall be provided and installed by the City at the expense of the developer.

(F) Lot Requirements.

1. The minimum lot size for rural subdivisions shall be consistent with those of the City of Finlayson Zoning Ordinance.
2. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement. Lots proposed with irregular lot lines for the sole purpose of meeting a specific zoning requirement are prohibited.
3. Each lot shall have frontage on an improved public street. Access to the lot shall be from the frontage of the lot.
4. No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located.
5. The ratio of depth to width on lots shall not exceed 3:1.

6. Lots designed for commercial or industrial purposes shall provide adequate off-street service, loading and parking facilities.
7. Through or double frontage lots shall not be permitted except where such lots abut an arterial or highway or as a means to overcome specific disadvantage of topography and orientation. Such lots shall have an additional depth of ten (10) feet for screen planting along the rear lot line.
8. Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required, to assure building sites that are not subject to flooding.
9. Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.
10. In the case where the proposed plat is adjacent to a state road, there shall be no direct vehicular access from individual lots to such streets and roads. Residential driveway access on collector streets must be a minimum of three hundred (300) feet apart and meet appropriate safety standards.
11. No lot shall extend over a political subdivision boundary. No building shall extend over a school district line.
12. In any area where property is likely to become urbanized, a preliminary plan may be required showing a potential and feasible way in which the lot or lots may be re-platted in future years for more intensive use on the land. The placement of buildings or structures upon such lots shall allow for potential re-subdivision.
13. All lots abutting a lake, river, pond, or wetland shall contain a building site three (3) feet or above the regulatory flood elevation and access to both the subdivision and to the individual building sites shall be no lower than three (3) feet above the regulatory flood protection elevation. The lowest floor elevation shall be shown on the face of the final plat, as recorded, and shall be a minimum of three (3) feet above the 100 year flood elevation.

1.07(5) EASEMENTS - URBAN SUBDIVISIONS.

- (A) Utility. Easements at least 10 ft. (3.05 m) wide, centered on rear and side lot lines of abutting lots shall be provided for utilities where necessary, and shall be dedicated to the public by appropriate language in the owner's certificate. In those instances where a side or rear lot line abuts unplatted land, said easements shall be at least 10 ft. (3.05 m) wide. Utility easements shall have continuity of alignment from block to block and lot to lot. Easements may be required along lot lines to rights-of-way so as to provide for a street light interval not to exceed 500 ft. (152.5 m).
- (B) Drainage. Where a subdivision is traversed by a water course, drainageway or stream, a drainage easement conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as shall be adequate for storm water drainage of the area.

1.07(6) BLOCKS.

- (A) Length. The maximum length of blocks shall be 1,200 ft. Pedestrian ways at least five (5) wide may be required at the approximate center of blocks over 900 ft. (274.5 m) in length. Provisions for additional accessways to schools, parks, and other public grounds may be required.
- (B) Off-Street Areas. Lots intended for commercial, industrial, or uses other than single family dwellings shall be so designed to provide adequate off-street areas for parking, loading, and such other facilities as shall be required by the Zoning Ordinance of the City.
- (C) Width. All blocks shall be so designed to provide for two (2) tiers of lots unless conditions exist to render this requirement undesirable.

1.07(7) LOTS.

- (A) Minimum Lot Size. The minimum lot area and dimension shall be as specified in the respective zoning districts of the City Zoning Ordinance.
- (B) Location. All lots shall have at least the minimum required frontage on a publicly dedicated street.
- (C) Corner Lots. Corner lots shall be platted at least 15 ft. (4.57 m) wider than interior lots.
- (D) Water Courses. Lots abutting upon a water course, drainageway, or stream shall have such additional depth or width as may be required to protect house sites from flooding.
- (E) Double Frontage. Lots with frontage on two (2) parallel streets shall not be permitted except where lots back on arterial streets or highways. Double frontage lots shall have an additional depth for screen planting along the rear lot line.
- (F) Access to Thoroughfares. In those instances where a plat is adjacent to a limited access highway or other major highway or thoroughfare, no direct vehicular access shall be permitted from individual lots to such highway.
- (G) Natural Features. In the subdividing of land, regard shall be shown for all natural features, including tree growth, water courses, historic places and similar amenities of the area, which if preserved will add attractiveness and stability to the area.
- (H) Lot Remnants. Subdividing of property shall be done so as to prevent the creation of undersized lots.

1.07(8) PUBLIC LAND DEDICATION, OPEN SPACE.

- (A) Findings.
 1. The City needs to provide a wide variety of park type facilities, community centers, open space and trails to meet the recreational needs of residents and businesses, to encourage exercise and a sense of physical well being, to connect the community and to enhance the aesthetic sense of the community.
 2. The City has identified the need for park improvements and trails as specific needs in addition to the general need for greater amounts of open space within the community.

3. The City finds that a percentage of the land within the community is needed for park and open space and that it is reasonable to require a dedication of a determined percentage of the gross area of all developments in the community to satisfy the needs of the public for park and open space.

4. The City finds that increased residential and business development directly increases the need for parks of all type, community facilities, trails and open space and there is a reasonable relationship between the City's dedication requirements and the increased need for parkland, trails, open space in general and indoor park facilities such as a community center, all caused by additional development pressure.

(B) Dedication. In all major subdivisions of property in which the final plat or other final approval of the City is granted, upon approval and publication of this Ordinance according to law, a sufficient portion of such land shall be set aside and dedicated to the public for parks, schools, playgrounds, open space or other public use exclusive of property dedicated for streets and other public ways. It shall be presumed that a percentage of the gross land in the subdivision shall be dedicated for parks, schools, playgrounds and open space. No areas may be dedicated as parks, playgrounds, schools or open space until such areas have been approved for the purpose to which they are to be dedicated. Such dedication of land for public use shall be without restrictions or reservations and shall be transferred by deed to the City of Finlayson. The developer shall leave such dedicated land in a condition suitable to the City Council.

(C) Payment in Lieu of Land. Preliminary plats shall be submitted to the City for review and comment. If, in the judgment of the City Council, after considering the input of the Planning Commission, the area proposed to be dedicated is not suitable or desirable for park/playground/open space purposes, because of location, size or other reason, the City Council may require, in lieu of land dedication, a payment to the City of Finlayson. Payment in lieu of land shall be paid in full prior to the signing of the final plat by the City. The City may revise these fees in their annual fee resolution.

(D) Private Parks. Developers shall be encouraged to provide small privately-owned and maintained parks and open spaces in all commercial, industrial and residential developments to satisfy the needs of residents, employees, shoppers and small children. Such parks shall count towards the developers park dedication commitment with the consent of the City.

(E) Preservation of Natural Features and Amenities.

1. General. Existing features which would add value to residential development or to the local government as a whole, such as trees, as herein defined, watercourses, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the

plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The concept plan shall show the number and location of existing trees, as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed shade trees required along the street side of each lot as required by these regulations.

1.07(9) STORM WATER MANAGEMENT.

(A) The City shall apply National Urban Runoff Program (NURP) standards for the design of required stormwater ponds. A copy of said standards is on file in the office of the City Engineer.

(B) Subdivision development shall conform to Minnesota Pollution Control Agency's best management practices titled "Protecting Water Quality in Urban Areas" to reduce nonpoint source pollution loadings in stormwater runoff. A copy of said standards is on file in the office of the City Engineer.

1.08. CONSTRUCTION OF IMPROVEMENTS.

1.08(1) PAYMENT. The improvements to be furnished and installed by the developer pursuant to these Subdivision Regulations shall be furnished and installed at the sole expense of the developer and at no expense to the City.

1.08(2) REQUIRED IMPROVEMENT CONTRACT. Prior to installation of required improvements and prior to approval of the final plat the developer shall enter into a contract with the City requiring that the developer furnish and construct said improvements at his expense and in accordance with plans and specifications to be approved by the City Engineer. The contract shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the City's authority to inspect the construction and the amount of the escrow deposit or performance bond to be furnished in accordance with 1.08(3) of this Subdivision Ordinance.

1.08(3) FINANCIAL GUARANTEE. Prior to the approval of the final plat, if the developer is to undertake the installation of the required improvements, he shall make an escrow deposit or, in lieu thereof, furnish a performance bond equal to 120% of the total construction cost of the improvements as estimated by the City Engineer, and including the cost of inspection by the City. Any bond must be subject to approval by the City. Deposits shall be made with the Treasurer of the City. The City may agree to provide for reduction of the amount of any bond or deposit by reason of completion of, or in payment for, the improvements for which said bond or deposit has been made.

1.08(4) CONSTRUCTION PLANS. Construction plans and specifications for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the expense of the developer by a professional engineer registered by the State of Minnesota. Such plans and specifications shall be approved by the City Engineer and shall become a part of the performance contract. Two (2) prints of said plans and specifications shall be filed with the City Clerk.

1.08(5) INSPECTION. All required improvements shall be inspected during the course of construction by the City Engineer and acceptance of said improvements by the City shall require the prior written certification by the City Engineer that said improvements have been constructed in compliance with the plans and specifications.

1.08(6) PRIOR IMPROVEMENTS. Improvements which have been completed prior to application for final plat approval or execution of the performance contract shall be accepted as equivalent improvements provided the City Engineer shall certify in writing that said improvements conform to City standards.

1.08(7) CONSTRUCTION BY CITY. The City shall have the right to install each of the required improvements as it may elect, and upon such terms and conditions as it may deem appropriate under the circumstances.

1.08(8) AS-BUILT PLANS. Upon completion of installation of all required improvements, the developer shall file with the City Clerk a tracing and two (2) copies of plans and specifications showing all improvements as finally constructed and installed.

1.08(9) STREET IMPROVEMENT STANDARDS.

- (A) Grading. The full width of the right-of-way of each street and alley shall be graded, including the subgrade of the areas to be paved, in accordance with the standards and specifications established by the City.
- (B) Paving. All streets shall be paved with concrete or asphalt, or surfaced with Class 5 gravel, recycled concrete, or asphalt in accordance with the standards and specifications established by the City.
- (C) Sodding/Seeding. The portion of the street right-of-way beyond the paved surface shall be sodded or seeded and maintained for one year.
- (D) Private Driveways. All private driveways providing access to public right-of-ways shall approach at grade level.
- (E) Street Signs. Street signs of a design approved by the City shall be installed at each street intersection.

1.08(10) DRAINAGE FACILITIES.

- (A) Storm sewers, culverts and water drainage facilities shall be required when, in the opinion of the City Engineer, such facilities are necessary to ensure adequate drainage for the area. All such drainage facilities shall be constructed in accordance with standards and specifications established by the City.

1.08(11) SUBSURFACE CONDITIONS. The developer shall cause tests to be made of subsurface conditions to determine the nature and extent of subsurface soil, rock and water. The location and results of said tests shall be made available to the City. If subsurface conditions exist which in the opinion of the City may be detrimental to the health and welfare of the subdivision, the City may require the installation of neighborhood sanitary sewer and water systems to serve the subdivision.

1.08(12) CITY WATER AND SANITARY SEWER SYSTEMS. Where connection with the City water and sanitary sewer systems in R-1 and R-2 is required, the developer shall be required to install water and sanitary

sewer mains in the subdivision and connect the same with the City systems.

1.08(13) PUBLIC UTILITIES.

- (A) Underground Utilities. All telephone, electric or gas service lines shall be placed underground within dedicated public ways or recorded easements in such manner as not to conflict with other underground services. All underground installation of service lines within street rights-of-way shall be completed prior to street surfacing. Upon completion of the installation of underground service lines in dedicated public ways, a tracing and two (2) copies of plans and specifications showing the completed installation shall be filed with the City Clerk.
- (B) Utility Poles. All utility poles, except those providing street lighting, shall be placed in rear lot line easements.
- (C) Street Lighting. Street lighting shall be installed by the developer. All street light poles and fixtures shall conform to City specifications.
- (D) Easements. All underground utility service lines, including water, drainage and sanitary sewer systems, which traverse private property shall be installed within recorded easements.

1.08(14) NON-CONFORMANCE. Any non-conformance with the standards and ordinances of the City in the installation of the required improvements by the developer or his agents shall be cause for the City Engineer to order cessation of all construction within the subdivision. In such event, no further construction shall be allowed until the non-conformance is corrected.

1.09. FINAL PLAT.

1.09(1) Procedure. Prior to City Council approval of a final plat, the following procedures shall be followed:

- (A) Filing of Final Plat. Within one year following approval of the preliminary plat, unless an extension of time is requested in writing by the developer and granted by the City Council, the developer shall file 10 copies of the final plat with the City Clerk and shall pay a filing fee as established by the City Council. The final plat shall incorporate all changes required by the City Council, and in all other respects it shall conform to the preliminary plat as approved. If the final plat is not filed within one year following approval of the preliminary plat, the approval of the preliminary plat shall be considered void. The final plat may constitute only that portion of the preliminary plat which the developer proposes to record and develop at that time, provided that such portion shall conform to all requirements of this ordinance, and provided further that the remaining portion or portions of the preliminary plat not submitted as a final plat shall be subject to the right of the City to adopt new or revised platting and subdivision regulations.
- (B) Filing of Abstract. At the time of filing the final plat with the City Clerk, the developer shall also file with said Clerk an abstract of title or registered property abstract, certified to date, evidencing ownership of the premises involved in the plat.

- (C) Reference. The City Clerk shall refer copies of the final plat to the City Engineer, and shall refer the abstract to the City Attorney for their examination and report.
- (D) Reports. The City Engineer and City Attorney shall submit their reports to the City Council within 15 days after the filing of the final plat. The City Engineer shall state whether the final plat and the improvements conform to the engineering and design standards and specifications of the City. The City Attorney shall state his opinion as to the title of the premises involved.
- (E) Fees. The developer shall pay the fees of the City Engineer and City Attorney for their services and reports rendered in connection with the final plat.
- (F) Compliance with Law. The final plat shall be prepared in accordance with all applicable State laws and County ordinances.

1.09(2) COUNCIL ACTION. The City Council shall act on the final plat within 60 days of the date on which it was filed with the City Clerk. The final plat shall not be approved if it does not conform to the preliminary plat including all changes required by the City Council, or does not meet the engineering and design standards and specifications of the City.

1.09(3) RECORDING. Following approval of the final plat by the City Council, the City Clerk shall promptly notify the developer of said approval and within 30 days thereafter, the final plat shall be recorded with the Register of Deeds or Registrar of Titles of the County in which the subdivision lies. The developer shall forthwith furnish the City Clerk with a tracing and three (3) copies of the final plat as recorded, showing evidence of the recording on said copies. Failure of the developer to comply with the requirement of recording shall be cause for rescission of approval.

1.09(4) REQUIRED FINAL PLAT DATA. It shall be a condition to the approval of a final plat that the following data shall be shown on said plat or shall be furnished therewith:

- (A) Municipal, Township, County or Section lines accurately tied to the boundaries of the subdivision by distances and angles.
- (B) Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements, areas reserved for public use, and other important features shall be shown. Complete curve data shall be shown, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs. Dimensions of lot lines shall be shown in feet and hundredths of feet. No ditto work shall be permitted in indicating dimension.
- (C) Monuments. The applicant shall place permanent reference monuments in the subdivision as required herein.
 1. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be placed so as to be within sight of each other, the sight lines being contained wholly within the street limits.
 2. The external boundaries of a subdivision shall be monumented in the field by monuments of iron

- rebar not less than 16 inches (40.6 cm) in length, not less than (3/8 inch) in diameter, or 1/2 inch iron pipe and marked on top with a plastic cap identifying the land surveyor's registration number. These monuments shall be placed not more than 1,400 feet (427 m) apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, said points to be not less than 20 feet (6.1 m) back from the bank of any stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.
- 3. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river or lake changes its radius, and at all angle points in any line.
- 4. The lines of lots that extend to lakes or streams shall be monumented in the field by like monuments as described above. These monuments shall be placed at the point of intersection of the lake or stream lot line, with a meander line established not less than 20 feet (6.1 m) back from the bank of the lake or stream.
- 5. All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost.
- (D) Pipes or steel rods shall be placed at each corner of each lot and the location thereof shall be shown.
- (E) An identification system for all lots and blocks shall be shown.
- (F) Streets shall be named and all names shall be shown. A sequence of street naming shall be followed consistent with the pattern that has been established in the area.
- (G) In the event the final plat is a re-plat of an earlier subdivision, the original platting of the subdivision shall be shown and identified by dotted lines.
- (H) Judicial and County ditches shall be shown by dimensions and angles as determined from County records.
- (I) Low land and water areas shall be indicated by an identification symbol.
- (J) All utility and drainage easements, and the dimensions thereof, shall be shown.
- (K) The names and platting of adjoining subdivisions shall be shown and identified by dotted lines to a distance of 100 ft. (30.5 m) from the boundaries of the subdivision under consideration. Lot, block and street arrangements of such adjoining subdivision shall be shown. Where adjacent land is unplatted, it shall be so indicated.
- (L) Before any residential plat may be approved and before any permit may be issued for a residence therein, the developer shall first present competent proof that the natural ground water level at all times in said

subdivision is not less than 2 ft. (.61 m) below the level of the lowest portion of the proposed structure, or that a satisfactory system of ground water control will be constructed as an integral part of the proposed residential subdivision.

1.10. REGISTERED LAND SURVEYS.

1.10(1) The provisions of this ordinance shall apply to all registered land surveys within the City, and the standards, regulations and procedures hereof shall govern the subdivision of land by registered land survey. Building permits shall be withheld on tracts which have been subdivided by unapproved registered land surveys; and the City shall decline to accept tracts as streets or roads or to improve, repair or maintain such tracts within an unapproved registered land survey.

1.11. EASEMENTS.

1.11(1) Prior to the submission of a final plat, registered land survey or land subdivision to the City Council for approval, the developer shall furnish the City with all easements for utilities, drainage, street rights-of-way, surface water ponding, and such other public uses as shall be found to be necessary, convenient, or desirable by the City. Said easements shall be in proper form for recording in the Office of the Register of Deeds or Registrar of Titles. Duplicate certificates of title shall be made available for the filing of easements on registered land. No final plat shall be approved by the City Council until there has been full compliance with this Section.

1.12. PLATS PREVIOUSLY APPROVED.

1.12(1) All preliminary or final plats, registered land surveys, or other subdivisions of land approved but not filed under previous ordinances shall be subject to all requirements of this Ordinance.

1.13. PERMITS.

1.13(1) **IMPROVEMENTS.** All electric and gas distribution lines or piping, roadways, walks and other similar improvements shall be constructed only on a street, alley, or other public way or easement which is designated on an approved plat, or which has otherwise been approved by the City Council.

1.13(2) **ACCESS.** No permit for the erection of any building shall be issued unless such building is to be located upon a parcel of land abutting on a street or highway which has been designated on an approved plat, or which has been otherwise approved by the City Council. This limitation on issuing permits shall not apply to planned developments approved by the City Council pursuant to the City Zoning Ordinance.

1.14. PENALTIES.

1.14(1) **PERMIT FEES.** All persons, firms, or corporations performing work which is by this Ordinance required the issuance of a permit shall pay a fee for such permit to the City Clerk to help defray the cost of administration, investigation, advertising and processing of permits and variances. The permits, for which a fee is required, are available from the City Clerk or Zoning Administrator. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. Any

action requiring a public hearing shall require a fee to cover the cost of the public hearing and attendant publication costs. All fees shall be established by resolution by the City Council from time to time as deemed appropriate.

1.14(2) **DOUBLE FEE.** A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

1.14(3) **VIOLATIONS.** It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the City Council, Zoning Administrator, the City Planning Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Ordinance.

1.14(4) **REMEDIAL ACTION.** Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the City Council, the Zoning Administrator, or the City Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

1.14(5) **PENALTIES.** Any person, firm, or corporation that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than fifty dollars (\$50) nor more than seven hundred dollars (\$700) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 90 days. Each day a violation exists or continues shall constitute a separate offense, except that in order for the defendant to be charged with a second offense it shall be a separate and distinct violation as opposed to a continuing daily violation on the same provision.

1.15. EFFECTIVE DATE.

1.15(1) This Ordinance shall take effect and be in force from and after its passage and publication according to law.