

CHAPTER 155: SUBDIVISION CONTROL

Section

General Provisions

- 155.01 Title
- 155.02 Purpose
- 155.03 Scope
- 155.04 Jurisdiction
- 155.05 Compliance required
- 155.06 Plat approval required
- 155.07 Conflicts; stricter provisions apply
- 155.08 Rules
- 155.09 Definitions

Platting Procedure

- 155.20 Preliminary plat; preparing and filing
- 155.21 Review of preliminary plat
- 155.22 Preliminary plat approval or disapproval
- 155.23 Amendment to plat; procedure
- 155.24 Final plat; preparing and filing
- 155.25 Review of final plat
- 155.26 Final plat approval or disapproval; recording

Plat Requirements

- 155.40 Units of measurement
- 155.41 Data required for preliminary plat
- 155.42 Data required for final plat
- 155.43 Fees established
- 155.44 Review expenses; escrow account

Minimum Design Standards

- 155.55 Conformity with Comprehensive Plan
- 155.56 Land requirements
- 155.57 Street plan
- 155.58 Cul-de-sac streets
- 155.59 Street design
- 155.60 Alleys
- 155.61 Sidewalk design
- 155.62 Public utilities
- 155.63 Drainage
- 155.64 Easements
- 155.65 Street names
- 155.66 Block design
- 155.67 Lot requirements
- 155.68 Protection of natural features required
- 155.69 Public sites and open space dedication

Engineering Standards

- 155.80 Monuments
- 155.81 Streets; grading, pavement, special conditions
- 155.82 Soil tests
- 155.83 Watercourses
- 155.84 Sidewalks and pedestrian ways
- 155.85 Public utilities
- 155.86 On-site sewage disposal systems
- 155.87 Water supply
- 155.88 Drainage
- 155.89 Street signs, lighting, and traffic controls
- 155.90 Curbs and gutters
- 155.91 Inspection

Improvements

- 155.105 Improvements required
- 155.106 Improvement installation; costs
- 155.107 Improvement installation; contract
- 155.108 Previous default
- 155.109 Escrow deposit or performance bond
- 155.110 Construction plans and inspection

- 155.111 Improvements completed prior to final plat approval
- 155.112 Trunk facilities
- 155.113 Alternate or delayed installation
- 155.114 Optional financing; improvement bonds

Minor Subdivisions, Resubdivisions, Variances, and the Like

- 155.125 Planned unit developments
- 155.126 Minor subdivisions
- 155.127 Resubdivision
- 155.128 Land division
- 155.129 Registered land surveys
- 155.130 Metes and bounds
- 155.131 Split lots
- 155.132 Re-split lots
- 155.133 Variances; grounds
- 155.134 Variances; application procedure

Administration and Enforcement

- 155.145 Building permits; compliance required
- 155.146 Violations
- 155.147 Equitable relief; injunction

Cross-reference:

Fees, Charges, and Rates, see Ch. 34

GENERAL PROVISIONS

§ 155.001 TITLE.

This Chapter 155 shall be known and referred to hereafter as the “Subdivision Code of the city.”
(Ord. 179, passed 2-16-78)

§ 155.002 PURPOSE.

(A) The purpose of dividing open land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any community. Few activities have a more lasting effect

upon its appearance and environment. Once the land has been subdivided into urban lots and the streets, homes, and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire community is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper standards.

(B) All subdivision of land hereafter submitted for approval shall fully comply in all respects with the regulations set forth herein. It is the purpose of these regulations:

- (1) To provide for the orderly, economic, and safe development of land and urban services and facilities;
- (2) To promote the public health, safety, morals, and general welfare of residents of the city;
- (3) To assure equitable handling of all subdivision plats by providing uniform procedures; and
- (4) To place the cost of improvements against those benefitting from their construction.

(Ord. 179, passed 2-16-78)

§ 155.003 SCOPE.

The rules and regulations governing plats and subdivision of land contained herein shall apply within and without, as hereinafter set forth, the city and other land as permitted by state statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between this community and the other governmental units concerned. Except in the case of resubdivision, this code 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 code, nor is it intended by this code to repeal, annul, or in any way impair or interfere with existing provisions of other laws and ordinances, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants governing the land.

(Ord. 179, passed 2-16-78)

§ 155.004 JURISDICTION.

These regulations governing plats and the subdivision of land shall apply to the area within the corporate limits of the city, and the unincorporated area within two miles of its corporate limits.

(Ord. 179, passed 2-16-78)

§ 155.005 COMPLIANCE REQUIRED.

(A) After the adoption of this code, no lot, tract, or parcel of land shall be divided or subdivided or sold, no permit shall be issued to alter or erect any buildings upon land in a subdivision, and no building shall be erected in a subdivision unless a subdivision plat has been approved and been recorded and until the improvements required by the City Council relative to the subdivision have been constructed or guaranteed as provided herein.

(B) The division of land into tracts, parcels, or lots larger than five acres in area and 300 feet in width shall be exempt from the requirements of this chapter, provided the division and conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width.

(Ord. 179, passed 2-16-78) Penalty, see § 10.99

§ 155.006 PLAT APPROVAL REQUIRED.

Before any plat shall have any validity, it shall have been approved by the city Planning Commission and the City Council and recorded in the office of the County Recorder.

(Ord. 179, passed 2-16-78)

§ 155.007 CONFLICTS; STRICTER PROVISIONS APPLY.

It is not intended by this chapter to annul or interfere with any other official regulations or ordinances of the city; provided, however, that where there is a difference between minimum standards or dimensions herein and those contained in other official regulations or ordinances of the city, the highest standards shall apply.

(Ord. 179, passed 2-16-78)

§ 155.008 RULES.

(A) Words used in the present tense include the past and future tense.

(B) The singular number includes the plural and the plural includes the singular.

(C) In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.

(Ord. 179, passed 2-16-78)

§ 155.009 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. Any dedicated public right-of-way providing a secondary means of access to abutting property.

ATTORNEY. The attorney employed by the city, unless otherwise stated.

BLOCK. The enclosed area within the perimeter of roads, property lines, or boundaries of the subdivision.

BOULEVARD. The portion of the street right-of-way between the curb line and the property line.

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

CLUSTER DEVELOPMENT. 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 Chapter 156 of this code.

COLLECTOR STREET. A street that carries traffic from minor streets to thoroughfares or from thoroughfare to thoroughfare. **COLLECTOR STREETS** are designated in the Comprehensive Plan.

COMMUNITY. The City of Milaca.

COMPREHENSIVE PLAN. A plan prepared by the community including a compilation of policy statements, goals, standards, and maps indicating the general locations recommended for the various functional classes of land use, places, and structures, and for the general physical development of the community, and including any unit or part of this plan separately adopted and any amendment to the plan or parts thereof.

CONTOUR MAP. 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.

COPY. A print or reproduction made from a tracing.

CORNER LOT. A lot bordered on at least two adjacent sides by streets.

COUNTY. Mille Lacs County, Minnesota.

CUL-DE-SAC. A minor street with only one outlet and having a turnaround.

DEVELOPMENT. The act of building structures and installing site improvements.

DOUBLE FRONTAGE LOTS. Lots that have a front line abutting on one street and a back or rear line abutting on another street.

DRAINAGE COURSE. A watercourse or indenture for the drainage of surface water.

EASEMENT. Grants by an owner of land for a specific use by a person other than the owner.

ENGINEER. The registered engineer employed by the city, unless otherwise stated.

GOVERNING BODY. The City Council.

KEY MAP. A map drawn to comparatively small scale that definitely shows the area proposed to be platted in relation to known geographical features, i.e., downtown, lakes, roads.

LOT. 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.

MAY. The act referred to is permissive.

METES AND BOUNDS DESCRIPTION. 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 bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot, or area by described lines or portions thereof.

MINIMUM SUBDIVISION DESIGN STANDARDS. The rules, 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.

MINOR STREET. A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

NATURAL WATER WAY. A natural passageway in the surface of the earth so situated and having a topographical nature so that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

OWNER. 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.

PEDESTRIAN WAY. A public right-of-way across or within a block, to be used by pedestrians.

PERSON. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

PLANNING COMMISSION. The Planning Commission of the city.

PLAT, FINAL. 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 state laws.

PLAT, PRELIMINARY. The map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their consideration, in compliance with the Comprehensive Plan and these regulations, along with required supporting data.

PRIVATE STREET. 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.

PROTECTIVE COVENANTS. 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.

RESERVE STRIP. A narrow strip of land placed between lot lines and streets to control access.

RIGHT-OF-WAY. The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.

ROADWAY. Driving surface portion of a public right-of-way.

SERVICE STREET. A minor street parallel to and adjacent to high volume arterial streets and highways, which provide access to abutting properties and protection of through traffic.

SHALL. The act referred to is mandatory.

SKETCH PLAN. A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement. It is used as a basis for informal discussion.

STREET. A way for vehicular traffic, whether designated as **STREET**, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court, or otherwise designated.

STREET WIDTH. The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER. The owner, agent, or person having control of such land as the term is used in this chapter.

SUBDIVISION. The division of a parcel of land after the effective date of this code into two or more lots or parcels, 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.

SURVEYOR. A land surveyor registered under state laws.

THOROUGHFARE. A street primarily designed to carry large volumes of traffic and provide for vehicular movement between and among large areas as designated in the Comprehensive Plan.

TRACING. A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

ZONING CODE. Zoning regulations controlling the use of land as adopted by the city in Chapter 156, as amended. Definitions of the adopted **ZONING CODE** also apply to this chapter.
(Ord. 179, passed 2-16-78)

PLATTING PROCEDURE

§ 155.020 PRELIMINARY PLAT; PREPARING AND FILING.

(A) Prior to the preparation of the preliminary plat, the subdivider shall prepare a subdivision sketch plan for review by the Planning Commission. The sketch plan will be submitted as a basis for informal discussion between the subdivider and the Planning Commission and shall not constitute formal filing of the plat with the city. The Planning Commission shall provide advice and assistance to the

subdivider but will take no action on the sketch plan. The sketch plan should, as a minimum, show the site's location in the community, the type of development proposed, and preliminary lot and road layout including proposed minimum lot size. The subdivider shall pay the expense (if any) incurred by the city for the services to the city and/or Planning Commission of the Engineer and Attorney in the review of the sketch plan.

(B) When the subdivider feels he or she is ready to prepare the preliminary plat, he or she shall have his or her surveyor and/or planner draw one which is in conformity with the requirements of this chapter, as described in §§ 155.080 *et seq.*

(C) The subdivider shall fill out an application for consideration of planning request, or other application blanks as may be required. At the time of filing, the subdivider shall pay appropriate fees as set forth in Chapter 34.

(D) The subdivider shall furnish the City Manager-Clerk with 12 copies of the preliminary plat at least 15 days prior to the Planning Commission meeting at which it is to be considered.
(Ord. 179, passed 2-16-78)

§ 155.021 REVIEW OF PRELIMINARY PLAT.

(A) The City Manager-Clerk shall, upon receipt of the preliminary plat and application, refer three copies of the plat and application to the City Council, two copies of the plat to the Planning Commission, one copy of the plat to the school district if applicable, one copy to the County Planning Commission, and one copy to the Town Board if applicable.

(B) If the proposed subdivision abuts any state trunk highway, the City Manager-Clerk shall also refer one copy to the state District Highway Headquarters for review as required by state law; if it adjoins a public body of water one copy shall be referred to the state Commission of Natural Resources for review, and one copy to the Watershed District Board if applicable. Within five days after receiving the preliminary plat that includes or borders on an existing or proposed county road, the City Manager shall submit it to the County Engineer for review.

(C) The Engineer, Fire Chief, and Utilities Superintendent, and if appropriate, the School Board, County Planning Commission, Town Board, and the District Highway Engineer, shall within 30 days submit reports to the Planning Commission expressing recommendations for approval, disapproval, or revisions of the preliminary plat.

(D) Within 45 days after the plat is filed, the Planning Commission shall hold a public hearing on the plat. One notice of the purpose, time, and place of this public hearing shall be published in the

official newspaper at least ten days prior to the day of the hearing. The subdivider shall furnish the City Manager-Clerk with the names and mailing addresses of owners of all lands within 300 feet of the boundaries of the preliminary plat and the City Manager-Clerk shall give mailed notice of the hearing to these owners at least ten days prior to the day of the hearing, although failure of any property owner to receive notification shall not invalidate the proceedings.

(E) The subdivider or his or her representatives shall appear before the Planning Commission at the public hearing, in order to answer questions concerning the preliminary plat.

(F) The report of the Planning Commission shall be submitted to the City Council not later than 30 days after the public hearing on the plat. If the Planning Commission fails to make a report, the City Council shall proceed without the report. Failure to receive a report from the Planning Commission as herein provided shall not invalidate the proceedings or actions of the City Council.

(G) The City Council shall either approve or disapprove of a proposed plat within 120 days after a preliminary plat which contains all of the data required by § 155.041 and which conforms to the minimum design standards required by §§ 155.055 *et seq.* is submitted to the city unless the subdivider agrees to an extension of this time. The City Council may hold a public hearing on the plat following notice as provided herein. After receiving the Planning Commission's recommendations, the City Council will act to approve or disapprove the plat at its next regularly scheduled meeting. Approval of the plat shall be by passage upon a simple majority vote of the entire membership of the City Council.

(Ord. 179, passed 2-16-78)

§ 155.022 PRELIMINARY PLAT APPROVAL OR DISAPPROVAL.

(A) Approval of the preliminary plat is an acceptance of the general layout and indication to the subdivider that he or she may proceed toward fulfilling the necessary steps for approval of the plat in accordance with the terms of approval. This approval does not constitute final acceptance of the subdivision.

(B) The City Council may require modifications, changes, and revisions of the plat, as it deems necessary to protect the health, safety, morals, comfort, convenience, and general welfare of the community.

(C) If the City Council does not approve the plat, the reasons for this action shall be recorded in the proceedings and transmitted to the applicant within 15 days.

(Ord. 179, passed 2-16-78)

§ 155.023 AMENDMENT TO PLAT; PROCEDURE.

Should the subdivider desire to amend the plat as approved, he or she may submit an amended plat that shall follow the same procedure as a new plat, except for the public hearing and fee, unless the amendment is in the opinion of the City Council of such scope as to constitute a new plat, and then it shall be refiled. (Ord. 179, passed 2-16-78)

§ 155.024 FINAL PLAT; PREPARING AND FILING.

(A) After approval of the preliminary plat, the final plat may be prepared. It shall incorporate all changes, modifications, and revisions required; otherwise, it shall conform to the approved plat.

(B) In the case of large subdivisions, to be developed in stages, the subdivider may be granted permission to prepare a plat for only the portion of the approved plat that he or she proposes to develop at this time, provided this portion conforms with all the requirements of these regulations. The subdivider may be required, as a condition of approval, to submit an estimated time schedule for further staging of the platting and recording.

(C) All plats shall comply with the provisions of state statutes and the requirements of this chapter.

(D) The subdivider shall file 12 copies of the final plat with the City Manager-Clerk no later than six months after the date of approval of the preliminary plat. If this is not done, the approval of the preliminary plat will be considered void unless an extension is requested by the subdivider and granted in writing by the City Council.

(E) The subdivider shall submit, with the final plat, a current abstract of title or a registered property certificate along with any unrecorded documents and an opinion of title by the subdivider's attorney. (Ord. 179, passed 2-16-78)

§ 155.025 REVIEW OF FINAL PLAT.

(A) The City Manager-Clerk shall, upon receipt of the plat, refer one copy to the City Council, the Engineer, and the County Planning Commission and Watershed District Board if applicable, and to applicable utility companies, to the State Department of Transportation, and to the applicable school district board; two copies to the Planning Commission; and one copy, with the abstract of title or registered property certificate and opinion of title, to the Attorney.

(B) The City Council may refer the plat to the Planning Commission for recommendation if they feel the plat is substantially different from the preliminary plat. The Planning Commission shall submit a report to the City Council within 45 days.

(C) The Engineer and Attorney shall submit a report to the City Council within 15 days upon receipt of the plat or at the next regular meeting of the City Council, whichever period is later, expressing their recommendations on the final plat. The City Council may require a report from the Fire Chief and/or Utility Superintendent.

(D) Prior to approval of the plat, the subdivider shall have installed all improvements or executed an agreement with the City Council for their installation. Improvements shall conform to approved engineering standards and be in compliance with the regulations in §§ 155.105 *et seq.*

(Ord. 179, passed 2-16-78)

§ 155.026 FINAL PLAT APPROVAL OR DISAPPROVAL; RECORDING.

(A) The City Council shall take action on the plat; this shall be done not more than 60 days after the final plat is filed with the City Manager-Clerk. If the plat is not approved, the reasons for this action shall be recorded in the official proceedings and transmitted to the subdivider within the 60-day period.

(B) If this plat is approved the City Council shall sign the plat and the subdivider shall then record it with the County Recorder within 180 days or the approved plat shall be considered void.

(C) The subdivider shall, immediately upon recording, furnish the City Manager-Clerk with a reproducible copy, either cron-a-flex or its equivalent, of the recorded plat and two prints. Failure to furnish these copies shall be grounds for refusal to issue building permits for the lots within the plat.

(D) Upon receiving approval of the plat for a portion of the preliminary plat, the subdivider shall not be required to request a continuation of the recognition of the preliminary plat so as to maintain its approval, except that in the event a zoning amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting.

(Ord. 179, passed 2-16-78)

PLAT REQUIREMENTS**§ 155.040 UNITS OF MEASUREMENT.**

United States standard measurements or metric measurements are permitted. If metric measurements are used, dimensions shall, wherever practicable, be to the nearest even meter.
(Ord. 179, passed 2-16-78)

§ 155.041 DATA REQUIRED FOR PRELIMINARY PLAT.

Data required for the preliminary plat is as follows:

(A) *Identification and description.*

- (1) 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;
- (2) Legal description of the property;
- (3) Name and address of the record owner, and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plan;
- (4) Graphic scale not less than 1 inch to 100 feet;
- (5) North point and key map of area showing well-known geographical points for orientation within a one-half mile radius; and
- (6) Date of preparation.

(B) *Existing conditions.*

- (1) Boundary lines shall be shown clearly and to a degree of accuracy that conforms to the plat so that no major changes are necessary in preparing the final plat;
- (2) Existing zoning classifications for land in and abutting the subdivision;
- (3) Total acreage;

(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, corporate, and school district lines within the plat and to a distance of 100 feet beyond shall also be indicated;

(5) Location and size of existing sewers, water mains, culverts, or other underground facilities within the preliminary plat area and to a distance of 100 feet beyond. Data such as grades of surfaces of underground structures and locations of catch basins, manholes, hydrants, and street pavement width and type, shall also be shown;

(6) Boundary lines of adjoining unsubdivided or subdivided land, within 100 feet, identified by name and ownership, but including all contiguous land owned or controlled by the subdivider;

(7) Topographic data, including contours at vertical intervals of not more than two feet except where the horizontal contour interval is 100 feet or more, a 1-foot vertical interval shall be shown. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. U.S.G.S. datum shall be used for all topographic mapping where available. At least one permanent benchmark shall be set within each subdivision to be platted and the location and elevation of this benchmark shall be shown on the preliminary plat. The City Engineer may waive and/or change the number of required benchmarks;

(8) A copy of all proposed private restrictions shall be submitted;

(9) Percolation test and soil borings are required by the City Engineer; and

(10) If severe soil limitations for the intended use are noted by the City Engineer, a plan or statement indicating the soil conservation practice or practices to be used to overcome this limitation shall be made part of the permit application.

(C) *Subdivision design features.*

(1) Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the city Uniform Street Naming and Building Numbering System;

(2) Locations and widths of proposed alleys, pedestrian ways, and utility easements;

(3) Layout numbers and preliminary dimensions of lots and blocks;

(4) Proposed front and side street building setback lines;

(5) Location and size of proposed sanitary sewer lines and water mains;

- (6) Gradients of proposed streets, sewer lines, and water mains;
- (7) Maximum high water level where platted areas abut on or contain lakes, rivers, or permanent ponding basins;
- (8) Areas, other than streets, alleys, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of the area or areas in acres as required by § 155.069;
- (9) Alleys are prohibited except as authorized by the City Council; and
- (10) (a) Site grading plan showing the information required in divisions (C)(1) through (C)(7) above and the following:
 - 1. Elevation and type of structure for each buildable lot;
 - 2. Existing contours (two-foot intervals);
 - 3. Proposed contours (two-foot intervals) and proposed drainage; and
 - 4. Existing trees six inches in diameter or larger.
- (b) The site grading plan shall be subject to the review of the city Zoning Administrator and/or City Engineer.

(D) Other information.

- (1) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards, and congestion of population;
- (2) Source of water supply;
- (3) Provisions for sewage disposal, surface water drainage, and flood control;
- (4) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions;
- (5) Other information as may be requested by the City Engineer or Planning Commission; and

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

(Ord. 179, passed 2-16-78; Am. Ord. 240, passed 8-12-82)

§ 155.042 DATA REQUIRED FOR FINAL PLAT.

(A) The plat shall be prepared by a land surveyor who is registered in this state and shall comply with the provisions of state statutes and of this chapter.

(B) Form for approval by the Planning Commission:

Approved by the Planning Commission of the City of Milaca this _____ day of
_____.

Signed: _____
Chairperson

Attest: _____
Secretary

(C) Form for approval by the City Council:

Approved by the City of Milaca, Minnesota this _____ day of
_____.

Signed: _____
Mayor

Attest: _____
City Manager-Clerk

(Ord. 179, passed 2-16-78)

(D) Site grading plan conforming to the configuration of the final plat and requirements of
(Ord. 240, passed 8-12-82)

§ 155.041(C)(10) subject to the city Zoning Administrator and/or the City Engineer review.

(Ord. 240, passed 8-12-82)

§ 155.043 FEES ESTABLISHED.

Planning and zoning activity fees shall be as designated in Chapter 34, as may be amended, and shall be paid at the time of filing and submission of application.

(Ord. passed 2-15-96)

§ 155.044 REVIEW EXPENSES; ESCROW ACCOUNT.

(A) In addition to the aforementioned fee, the subdivider shall pay any expense incurred by the city for the services of the City Engineer and City Attorney in their review of the preliminary plat and final plat.

(B) The subdivider, owner, or developer, on or before submitting a preliminary plat, shall make a cash deposit in an amount as determined by resolution of the City Council which shall be available in the form of a published schedule. This deposit shall be held in a special subdivider's escrow account and shall be credited to the subdivider, owner, or developer. Engineering or legal expense or City Manager-Clerk's expense incurred by the city in checking plat improvements, giving notice, holding hearings, checking and setting grade and drainage requirements, general supervision, staking, inspection, drafting as-built drawings, and all other engineering services performed in the processing of the improvements and plats, and administrative and legal expenses in examining title to the property being developed, shall be charged to the aforementioned account.

(C) The City Engineer and City Attorney shall itemize all time, services, and materials billed to any subdivider's escrow account and the time, services, and materials shall be in accordance with the rules, regulations, and fees as promulgated and adopted by the Council. The subdivider, owner, or developer making the deposit(s) in the subdivider's escrow account shall be furnished a copy of the itemized charges and any balance remaining in the account shall be returned to the depositor by the City Manager-Clerk after all claims and charges thereto have been paid.

(Ord. 179, passed 2-16-78)

MINIMUM DESIGN STANDARDS**§ 155.055 CONFORMITY WITH COMPREHENSIVE PLAN.**

The proposed subdivision shall conform to the Comprehensive Plan and policies adopted by the city.

(Ord. 179, passed 2-16-78)

§ 155.056 LAND REQUIREMENTS.

(A) Land shall be suited to the purpose for which it is to be subdivided. No plat shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or rock formation.

(B) Land subject to hazards to life, health, or property shall not be subdivided for residential purposes until all these hazards have been eliminated or unless adequate safeguards against the hazards are provided by the subdivision plan.

(C) Erosion and sedimentation control plans in accordance with the technical standards and specifications of the State Department of Transportation, State Standard Specifications for Highway Construction, as amended, are required on slopes with grades of 20% or steeper.

(D) Proposed subdivisions shall be coordinated with existing neighborhoods so that the city as a whole may develop harmoniously.

(Ord. 179, passed 2-16-78)

§ 155.057 STREET PLAN.

(A) Proposed streets shall conform to all state road and county highway plans as have been prepared, adopted, and/or filed as prescribed by law.

(B) Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.

(C) 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 connection is not feasible. Reserve strips and land-locked areas shall not be created.

(D) The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.

(E) Where adjoining areas are not subdivided, but 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.

(F) Minor streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for the through traffic by providing marginal access streets, interior streets for serving lots, or other means.

- (G) Half or partial streets will not be permitted.
- (H) Wherever a tract to be subdivided adjoins an existing half or partial street, the part of the street within the tract shall be platted.
- (I) 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.
- (J) Private streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use.
- (K) Wherever a subdivision abuts or contains an existing or planned major thoroughfare or railroad right-of-way, a street approximately parallel to and on each side of the thoroughfare and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. These service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. These distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (L) The street arrangements shall not be so as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(Ord. 179, passed 2-16-78)

§ 155.058 CUL-DE-SAC STREETS.

- (A) Cul-de-sac streets, permanently designed as such, shall not exceed 400 feet in length, except as variances are permitted. A variance may be granted if it can be clearly shown that by reason of unfavorable land form, or the irregular shape of the land from which the subdivision is being made, a normal street pattern cannot be established, or that land would be wasted by not granting a variance.
- (B) 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 that property line in a way that will permit future extension of the street into the adjoining tract. At the time that the 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.

(Ord. 179, passed 2-16-78)

§ 155.059 STREET DESIGN.

(A) Minimum right-of-way widths and pavements widths (face to face of curbs) for each type of public street or road shall be as follows:

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Roadway Width</i>
Alleys (where permitted)	40 ft.	20 ft.
Collector street	80 ft.	44 ft.
Commercial or industrial service street	60 ft.	40 ft.
Cul-de-sac	60 ft.	30 ft.
Cul-de-sac turnaround	60-ft. radius	45-ft. radius
Marginal access street	60 ft.	30 ft.
Minor street	60 ft.	30 ft.
Thoroughfare	120 ft.	As determined by traffic needs

(B) Where a subdivision abuts or contains an existing street of inadequate width, a sufficient additional width shall be provided to meet the above standards.

(C) 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.

(D) Extensions of existing streets with lesser right-of-way than prescribed above, may be permitted by variance in special cases.

(E) Access of minor streets onto state and county state aid highways, shall be discouraged at intervals of less than 500 feet.

(F) Street jogs with center line offsets of less than 150 feet shall not be allowed.

(G) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 100 feet.

(H) Center line gradients shall be at least 0.4% and shall not exceed the following:

<i>Classification</i>	<i>Gradient (in Percent)</i>
Thoroughfares and collector streets	5
Minor and service streets	8

(I) Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be 20 times the algebraic differences in the percent of grade of the two adjacent slopes.

(J) The angle formed by an intersecting of streets shall not be less than 75 degrees, with 90-degree intersections preferred.

(K) Intersections of more than four corners shall be prohibited.

(L) Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Roadways of alley-street intersections shall be rounded by a radius of not less than 6 feet. Corners at the entrances to the turnaround portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.

(Ord. 179, passed 2-16-78; Am. Ord. 240, passed 8-12-82)

§ 155.060 ALLEYS.

Alleys shall not be permitted except as authorized by the City Council. In the case of a planned shopping center development, either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or major street.

(Ord. 179, passed 2-16-78)

§ 155.061 SIDEWALK DESIGN.

(A) *Widths.* Minimum sidewalk widths shall, when installed, conform to the following standards.

<i>Classification</i>	<i>Width</i>
Commercial areas and public building sites	10 ft.
Industrial areas	5 ft.

<i>Types of Activities</i>	<i>Procedures</i>
Multiple family area	5 ft.
Single family area	5 ft.

(B) *Grades.* Sidewalks shall slope one-fourth inch per foot toward the street and the profile grade shall not exceed 8%. The center line elevation of the sidewalk shall be above the corresponding street center line.

(Ord. 179, passed 2-16-78)

§ 155.062 PUBLIC UTILITIES.

(A) *Public utilities.* Extension of water and sewer services shall be made at the discretion of the city.

(B) *Water supply.* Extensions of the public water supply system shall, when available, be designed so as to provide public water service to each lot.

(C) *Sewage disposal.* Extensions of the public sanitary sewer system shall, when available, be designed so as to provide public sewer service to each lot.

(D) *Underground utilities.* All telephone, electric, and gas service lines shall be placed underground within dedicated public ways or recorded easements in a manner so as not to conflict with other underground services and in accordance with community standards. 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 copies of plans and specifications showing the completed installation shall be filed with the Manager-Clerk.

(Ord. 179, passed 2-16-78)

§ 155.063 DRAINAGE.

A complete and adequate drainage system design shall be required for the subdivision and may include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, and ponding areas, or both systems.

(Ord. 179, passed 2-16-78)

§ 155.064 EASEMENTS.

(A) *Utility and drainage easements.* Easements of at least ten 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 front or side yard easement may be required. These easements shall be covered by document. Municipal water and sanitary sewer shall not constitute utilities under this section.

(B) *Provided for drainage.* Easements shall be provided along each side of the center line of any watercourse or drainage channel, whether or not shown on the Comprehensive Plan, to a sufficient width to provide proper maintenance and protection and to provide for storm water run-off and installation and maintenance of storm sewers.

(C) *Dedication.* Utility and drainage easements shall be dedicated for the required use.
(Ord. 179, passed 2-16-78)

§ 155.065 STREET NAMES.

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 so in alignment. Street names shall conform to the city Uniform Street Naming and Building Numbering System.

(Ord. 179, passed 2-16-78)

§ 155.066 BLOCK DESIGN.

(A) Block length and width or acreage within bounding streets shall be so as to accommodate the size of residential lots required in the area by Chapter 156 of this code and to provide for convenient access, circulation control, and safety of street traffic.

(B) In residential areas, other than water frontage, blocks shall be not less than 600 feet nor more than 1,800 feet in length measured along the greatest dimension of the enclosed block area, unless minor variances are necessitated by topography or conformance with an adjoining plat.

(C) In blocks over 900 feet long, a 10-foot wide pedestrian crosswalk may be required through the blocks in locations deemed necessary to public health, convenience, and necessity. Suitable paving and fencing shall be provided.

(D) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In these cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads and utilities shall be provided as necessary.

(E) Blocks shall be wide enough to allow two tiers of lots with a minimum depth as required by Chapter 156 of this code except adjoining a lake, stream, or thoroughfare, or where one tier of lots is necessary because of topographic conditions.

(Ord. 179, passed 2-16-78)

§ 155.067 LOT REQUIREMENTS.

(A) Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or lake or stream shores unless topographic conditions necessitate a different arrangement.

(B) Each lot shall be afforded primary access on a public street.

(C) No lot shall have less area or width than is required by Chapter 156 of this code applying to the area in which it is located, except as herein provided.

(D) Lots shall provide adequate off-street service, loading, and parking facilities as required by Chapter 156 of this code.

(E) Each lot shall provide an adequate building site at least one foot above the street grade or have a site drainage plan that is approved by the City Engineer.

(F) No lot shall have a total width at the front or rear lot line of less than 40 feet. The minimum lot width at the building setback must comply with Chapter 156 of this code.

(G) Corner lots shall be platted at least 20 feet wider than interior lots.

(H) Butt lots in any subdivision are to be discouraged. Where this type of lot must be used to fit a particular type of design, they shall be platted at least five feet wider than the average width of interior lots in the block.

(I) Through or double frontage lots shall not be permitted except where this type of lot abuts a thoroughfare or major highway. These lots shall have an additional depth of ten feet for screen planting along the rear lot line.

(J) Lots abutting upon a watercourse, drainage way, channel, or stream shall have additional depth or width, as required to assure building sites that are not subject to flooding.

(K) Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian rights.

(L) In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, watercourses, historic spots, or similar conditions, which as preserved will add attractiveness and stability to the proposed development.

(M) All remnants of lots below minimum size left over after subdividing a larger tract must be added to adjacent lots, or a plan shown as to future use, rather than allowed to remain as unusable parcels.

(N) In the case where a proposed plat is adjacent to a limited access highway, other major highway, or thoroughfare, there shall be no direct vehicular access from individual lots to this type of street and road. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided and more preferable access arrangements become possible, these temporary access permits shall void. Traffic controls may be required at the intersections of any street, thoroughfare, and/or highway when, in the opinion of the City Engineer, existing and/or future traffic and/or pedestrian volume may reasonably warrant. The city may, but need not, reasonably participate in the cost thereof when unusual circumstances, present and/or future, justify.

(O) In any area where lots are platted in excess of 24,000 square feet or 160 feet in width at the building setback line, a preliminary resubdivision plan may be required showing a potential and feasible way in which the lot or lots may be resubdivided in future years for more intensive use of the land. The placement of buildings or structures upon these lots shall allow for potential resubdivision.

(Ord. 179, passed 2-16-78)

§ 155.068 PROTECTION OF NATURAL FEATURES REQUIRED.

The City Council reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, watercourses, scenic points, historical spots, and similar community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.

(Ord. 179, passed 2-16-78)

§ 155.069 PUBLIC SITES AND OPEN SPACE DEDICATION.

(A) The subdivider shall consult with the Planning Commission, at the time his or her sketch plan is under consideration, to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, or other public property. The plat shall show the location and dimensions of all areas to be dedicated in this manner.

(B) Where a proposed drainage way, park, playground, school site, or other public site, as shown on the Comprehensive Plan, is embraced in part or in whole by the boundary of a proposed subdivision and the public sites are not dedicated, these sites shall be reserved and no action taken towards approval of a final plat for a period not to exceed 90 days, to allow the proper governmental agency the opportunity to consider and take action towards acquisition of this public ground or park by purchase or other methods.

(C) In all new residential subdivisions, including planned unit developments and mobile home parks, a park dedication fee shall be paid to the city. Such fee shall be paid at the time the final plat is approved. Such money as may be collected shall be used for parkland acquisition and park and trail development. In lieu of the fee, and if agreed to by the City Council, a minimum of 5% of the gross area subdivided shall be dedicated for public recreation space or other public use. The dedicated percent of the gross area subdivided shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the governing body as suitable and necessary for the public health, safety, convenience, and general welfare. Lots created in any manner that are larger than five acres may be subject to the above requirements if, in the opinion of the City Council, the lots will not be resubdivided.

(D) Where a subdivision includes any portion of a lakeshore or the shoreline of a meandered stream, no less than 10% of the portion of the shoreline lying within a subdivision shall be dedicated for use by the public along with sufficient land to allow access to a publicly dedicated street. This land may be a part of, or equal to, the percent of land for dedication as public land under this section.

(Ord. 179, passed 2-16-78; Am. Ord. 338, passed 11-20-03)

ENGINEERING STANDARDS**§ 155.080 MONUMENTS.**

All lot corner pipes or iron rods shall be a minimum of 1/2-inch in diameter, 18 inches in length, and shall be inscribed with the registration number of the land surveyor making the survey as prescribed

in M.S. Chapter 505, as may be amended from time to time. The County Surveyor will set all unmonumented quarter corners and section corners.

(Ord. 179, passed 2-16-78)

§ 155.081 STREETS; GRADING, PAVEMENT, SPECIAL CONDITIONS.

(A) *Streets.* All streets will be constructed according to existing adopted city policy.

(B) *Street grading.* Streets shall be graded in accordance with a plan approved by the Engineer. The grading shall include the entire width of the right-of-way and shall provide a boulevard section, in accordance with the minimum pavement width.

(C) *Street pavement.* The design of street pavement for all streets covered by this regulation shall be in accordance with the most current State Highway Department Road Design Manual for flexible and rigid pavements. The designed thickness of the surfacing elements shall be in accordance with the flexible or rigid pavement design standard for road classifications as follows:

<i>Classification</i>	<i>Pavement Design; Axle Load</i>
Thoroughfares, collector streets, and commercial or industrial service streets	As determined by traffic needs
Minor and service streets	As determined by traffic needs

(D) *Special conditions.* At the discretion of the city, other design standards for street improvements may be required or allowed.

(Ord. 179, passed 2-16-78)

§ 155.082 SOIL TESTS.

To determine subgrade soil classifications, soil samples shall be collected and analyzed by a reputable testing laboratory. Reports of the soil analysis shall be submitted to the Engineer with the pavement plans. Soil samples shall be taken along the center line of the proposed road at intervals not exceeding 300 feet or as required by the Engineer.

(Ord. 179, passed 2-16-78)

§ 155.083 WATERCOURSES.

All watercourses shall have three inches of top soil (black dirt) placed on them and then be seeded or sodded.

(Ord. 179, passed 2-16-78)

§ 155.084 SIDEWALKS AND PEDESTRIAN WAYS.

All required walks shall be concrete four inches thick. Grades shall be as approved by the City Engineer. Sidewalks shall be placed in the public right-of-way.

(Ord. 179, passed 2-16-78)

§ 155.085 PUBLIC UTILITIES.

(A) *Water main.* A minimum water main of six-inch ductile iron pipe or other approved pipe shall be required. Mains over six inches in diameter may be required and the city may participate in the cost of the required oversizing.

(B) *Sanitary sewer.* A minimum sanitary sewer of eight inches in diameter S.D.R.-35 plastic pipe, or other approved pipe, shall be required. Mains over eight inches in diameter may be required and the city may participate in the cost of the required oversizing. Service wyes shall be four inches, or as required by the Engineer.

(C) *House services.* Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the structure. A two-inch by two-inch location stake shall be placed at the end of the house service and within six inches of ground surface.

(D) *Storm sewer.* A minimum storm sewer of 12 inches in diameter of R.C.P. Class 3, or other approved pipe, shall be required.

(Ord. 179, passed 2-16-78)

§ 155.086 ON-SITE SEWAGE DISPOSAL SYSTEMS.

(A) Where lots cannot be connected with a public sewerage system, provisions must be made for sanitary sewer facilities, consisting of individual disposal systems for each lot. This does not mean that the installation of individual disposal systems shall be at the expense of the subdivider.

(B) Any subdivision or lot not provided with off-site sewer facilities shall be subject to soil and percolation tests to determine whether or not the lot size proposed will meet minimum standards of health and sanitation if requested by the Planning Commission. The lot area and topography must be such that it will accommodate an adequate disposal system or systems to serve the residence for the estimated unsewered years as determined by the City Council. These tests shall be made at the expense of the subdivider, and a sketch map shall be submitted to identify the specific locations where tests were made.

(C) All proposed on-site sewage disposal systems shall comply with the regulations and recommended standards of the state Department of Health, state Pollution Control Agency, and the city, and any other applicable governmental regulations.

(Ord. 179, passed 2-16-78)

§ 155.087 WATER SUPPLY.

Public water facilities shall be utilized where available. Water supply systems for all other areas shall be designed to meet regulations and recommended standards of the State Department of Health and the city. (Ord. 179, passed 2-16-78)

§ 155.088 DRAINAGE.

All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. All these systems shall be in conformity to the city's drainage plans and all piping shall provide adequate removal and a permanent solution for the removal of drainage water.

(Ord. 179, passed 2-16-78)

§ 155.089 STREET SIGNS, LIGHTING, AND TRAFFIC CONTROLS.

All street signs of standard design approved by the city shall be provided and installed by the subdivider. Street lighting of standard design and approved by the city and the electric utility serving the area shall be provided and installed by the subdivider. All traffic controls of standard design, approved by the city and, where applicable, other municipality and/or the state, shall be provided and installed by the subdivider.

(Ord. 179, passed 2-16-78)

§ 155.090 CURBS AND GUTTERS.

A concrete curb and gutter including curb cuts and driveway approaches of a design approved by the City Engineer shall be installed by the subdivider on each side of the streets indicated in the plat.
(Ord. 179, passed 2-16-78)

§ 155.091 INSPECTION.

All required improvements shall be inspected by the Engineer during construction at the expense of the subdivider.
(Ord. 179, passed 2-16-78)

IMPROVEMENTS**§ 155.105 IMPROVEMENTS REQUIRED.**

Prior to the approval of a final plat by the City Council, the subdivider shall have agreed, in the manner set forth herein, to install, in conformity with approved construction plans and in conformity with all applicable standards and ordinances, the following improvements on the site:

- (A) Survey monuments;
- (B) Grading;
- (C) Pavement;
- (D) Water mains;
- (E) Public sanitary sewer;
- (F) Drainage facilities; and
- (G) Miscellaneous facilities and other improvements as required.

(Ord. 179, passed 2-16-78)

§ 155.106 IMPROVEMENT INSTALLATION; COSTS.

The improvements as listed elsewhere are to be furnished and installed at the sole expense of the subdivider. However, if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to those lands, to be assessed against the same. In this situation, the subdivider will pay only for that portion of the whole cost of the improvements as will represent the benefit to the property within the subdivision.

(Ord. 179, passed 2-16-78)

§ 155.107 IMPROVEMENT INSTALLATION; CONTRACT.

(A) Prior to the installation of any improvements and prior to approval of the plat, the subdivider shall enter into a contract in writing with the city requiring the subdivider to furnish and construct the improvements at his or her sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for inspection of details of construction by the Engineer, and shall grant to the Engineer authority to correlate the work to be done under the contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit, or, in lieu thereof, to furnish a performance bond, the amount of the deposit or penal amount of the bond to be equal to 125% of the Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.

(B) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In that event the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the City Council upon recommendation of the Engineer after consultation with the subdivider. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the plat and subdivision.

(Ord. 179, passed 2-16-78)

§ 155.108 PREVIOUS DEFAULT.

No subdivider shall be permitted to start work on any other subdivision without special approval of the City Council if he or she has previously defaulted on work or commitments.

(Ord. 179, passed 2-16-78)

§ 155.109 ESCROW DEPOSIT OR PERFORMANCE BOND.

(A) The contract provided for in § 155.107 shall require the subdivider to make an escrow deposit or, in lieu thereof, furnish a performance bond. The escrow deposit or performance bond shall conform to the requirements of this regulation.

(B) An escrow deposit shall be made with the City Manager-Clerk in a sum equal to 125% of the total cost as estimated by the Engineer of all the improvements to be furnished and installed by the subdivider pursuant to the contract, which has not been completed prior to approval of the plat. The total costs shall include costs of inspection by the city. The city shall be entitled to reimburse itself out of the deposit for any cost and expense incurred by the city for completion of the work in case of default of the subdivider under the contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in the deposit shall be refunded to the subdivider.

(C) In lieu of making the escrow deposit, the subdivider may furnish a performance bond with corporate surety, in a penal sum equal to 125% of the total cost as estimated by the Engineer of all the improvements to be furnished and installed by subdivider pursuant to the contract, which have been completed prior to the approval of the plat. The total costs shall include costs of inspection by the city. The bond shall be approved as to form by the Attorney and filed with the City Manager-Clerk.

(Ord. 179, passed 2-16-78)

§ 155.110 CONSTRUCTION PLANS AND INSPECTION.

(A) Construction plans for the required improvements conforming in all respects with the standards and ordinances of the city shall be prepared at the subdivider's expense by a professional engineer who is registered in this state, and the plans shall contain his or her certificate. The plans together with the quantities of construction items together with his or her estimate of total costs shall be submitted to the City Engineer for approval and for the City Engineer's estimate of the total costs of the required improvements. Upon approval, the plans shall become a part of the required contract. The tracings of the plans approved by the Engineer plus two prints shall be furnished to the city to be filed as a public record.

(B) All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the City Engineer at the subdivider's expense, and acceptance by the city shall be subject to the Engineer's certificate of compliance with the contract. A cash escrow account to pay for the cost of inspection and engineering services during the construction of improvement is described under § 155.044.

(Ord. 179, passed 2-16-78)

§ 155.111 IMPROVEMENTS COMPLETED PRIOR TO FINAL PLAT APPROVAL.

Improvements within a subdivision which have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the Engineer shall certify that he or she is satisfied that the existing improvements conform to applicable standards.

(Ord. 179, passed 2-16-78)

§ 155.112 TRUNK FACILITIES.

Where a larger size water main, sanitary sewer, storm drain, or similar facility is required to serve areas outside the subdivision, the larger facility required must be constructed. Additional cost is to be borne by the benefitted properties and the assessments are to be determined accordingly by the City Council.

(Ord. 179, passed 2-16-78)

§ 155.113 ALTERNATE OR DELAYED INSTALLATION.

(A) The City Council may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the subdivider.

(B) (1) It is hereby announced policy of the city that full and complete utility systems be installed in all needed areas as soon as is practicable and feasible.

(2) Accordingly, the city shall proceed as soon as it is practicable after final approval of a subdivision with installation within the subdivision of those improvements as may be determined to be necessary. In the event of small subdivisions or in subdivisions in which development may proceed slowly, or in other events in which the construction of gravel streets, utility lines, or other improvements is clearly not feasible immediately following the approval of the plat, the City Council may elect to commence assessment proceedings, utilize funds or a cash escrow agreement, or otherwise move to finance and install improvements when the subdivision is developed to the point of warranting the improvements.

(3) The improvements are required in order to provide greater assurance of public health, assure reliability of water supply, provide for economy of installation, provide more effective fire fighting through hydrants, and otherwise protect the public health, safety, convenience, and general welfare.

(Ord. 179, passed 2-16-78)

§ 155.114 OPTIONAL FINANCING; IMPROVEMENT BONDS.

Notwithstanding any provisions to the contrary herein contained, the City Council, upon recommendation from the Planning Commission, may issue municipal improvement bonds to pay the cost of required streets, sewer, water, and storm sewer improvements subject to the following:

(A) The proposed subdivision must be abutting upon a presently platted and substantially developed residential neighborhood.

(B) Before proceeding to issue improvement bonds, the Planning Commission and the City Council must make a finding based on current real estate activity in and around the city that lots within the proposed subdivision will be readily marketable.

(C) Issuance of improvement bonds to construct required improvements shall be upon petition and in accordance with M.S. Chapter 429, as amended, and the total cost of the improvements shall be assessed against the benefitted property.

(Ord. 179, passed 2-16-78)

MINOR SUBDIVISIONS, RESUBDIVISIONS, VARIANCES, AND THE LIKE**§ 155.125 PLANNED UNIT DEVELOPMENTS.**

Upon receiving a report from the Planning Commission the City Council may grant a variance from the provisions of these regulations in the case of a planned unit development, as defined in Chapter 156 of this code, provided that the Council shall find that the proposed development is fully consistent with the purpose and intent of these regulations and the Comprehensive Plan. This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques such as cluster development.

(Ord. 179, passed 2-16-78)

§ 155.126 MINOR SUBDIVISIONS.

In the case of a subdivision resulting in three or fewer lots, situated in a neighborhood where conditions are well defined, the City Council may exempt the subdivider from complying with some of the requirements of these regulations. In the case of a request to subdivide a lot which is a part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or

to create not more than three new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or Chapter 156 of this code, the division may be approved by the City Council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

(Ord. 179, passed 2-16-78)

§ 155.127 RESUBDIVISION.

In the case of a request to divide a lot which is a part of a recorded plat, where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with this regulation or Chapter 156 of this code, the division may be approved by the City Council after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

(Ord. 179, passed 2-16-78)

§ 155.128 LAND DIVISION.

In any case where the division of land into two or more lots or parcels for the purpose of transfer of ownership or building improvement is not specifically provided for in the provisions of these regulations, a description of land division shall be filed with the City Manager-Clerk. No building permit shall be issued for any construction, enlargement, alteration, repair, demolition, or moving of any building or structure on any lot or parcel resulting from the division, until that division has been approved by the City Council. Prior to the consideration of the division by the City Council, they shall require that a certified survey be submitted.

(Ord. 179, passed 2-16-78)

§ 155.129 REGISTERED LAND SURVEYS.

All registered land surveys shall be filed subject to the same procedure as required for the filing of a plat for platting purposes. The standards and requirements set forth in these regulations shall apply to all registered land surveys. Unless the City Council shall approve, a registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development, if any of the tracts do not have the required frontage on a dedicated public street.

(Ord. 179, passed 2-16-78)

§ 155.130 METES AND BOUNDS.

(A) Conveyances by metes and bounds shall be prohibited, except when authorized by variance, where the lot or lots involved are less than five acres in area or have a width of less than 300 feet at the building setback line.

(B) No building permit shall be issued for any structure on any parcel of land less than five acres in area and having a width of less than 300 feet on an improved public street, at the building setback line which is described by metes and bounds, until a certificate of survey by a registered land surveyor describing that parcel of land is filed with the County Recorder and proof thereof is furnished to the local City Council.

(C) When a conveyance by metes and bounds is made and the parcels involved are between 5 acres and 20 acres in size, a certificate of survey by a registered land surveyor of the parcels involved shall be submitted to the City Manager-Clerk before any building permits will be issued for those parcels, and a copy of the survey should be attached to the deed when it is submitted to the County Recorder for recording.

(D) In any case in which compliance with the foregoing restrictions will create any unnecessary hardship and failure to comply does not interfere with the purpose of this regulation, the City Council may waive compliance by adoption of a resolution to that effect, and the conveyance may then be filed or recorded.

(Ord. 179, passed 2-16-78)

§ 155.131 SPLIT LOTS.

(A) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SPLIT LOT. The division of a parcel of land after the effective date of this code into two lots.

(B) A variance may be granted by the City Council to a split lot from any or all of the regulations of this subchapter if the City Council in its discretion finds that:

(1) The split lot is situated in a neighborhood where conditions are well defined;

(2) The regulation or regulations from which the variance is requested create an unnecessary hardship;

- (3) Granting of the variance will not interfere with the purpose of this subchapter;
- (4) Granting of the variance will not be contrary or substantially detrimental to the public good, welfare, or interest; and
- (5) A split lot variance has not been previously granted which involves any of the land for which the current variance is sought.

(Ord. 210, passed 10-16-80)

§ 155.132 RE-SPLIT LOTS.

(A) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RE-SPLIT LOT. Two or more previously platted lots that have been combined into a single lot, the owners of which apply for and obtain City Council approval to revert to the lot configuration as originally platted.

(B) The City Council may approve a re-split lot without otherwise requiring application of the provisions of these subdivision regulations, upon the following conditions:

- (1) The size of each re-split lot is equal to or greater than its original platted size;
- (2) The applicant executes a development contract for the immediate construction of a principal residential building on one or more of the re-split lots;
- (3) The re-split lot and the proposed development meet all the requirements of Chapter 156;
- (4) Separate application for any variance request must be made and approved separately and independently of the City Council's decision on the re-split lot application.

(Ord. 378, passed 11-20-08)

§ 155.133 VARIANCES; GROUNDS.

Upon receiving the report from the Planning Commission, the City Council may grant a variance in any particular case where the subdivider can reasonably show that strict compliance to these regulations will and/or could cause unnecessary hardship. A variance may be granted if it is in reasonable harmony with, and does not offend, the intent and purpose of this chapter, if it reasonably conforms to the city's Comprehensive Plan, if issuance of the variance will not unreasonably alter the essential character of the neighborhood, and if granting of the variance will not be contrary, or substantially detrimental, to the public good, welfare, or interest.

(Ord. 179, passed 2-16-78)

§ 155.134 VARIANCES; APPLICATION PROCEDURE.

Application for a variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration or while the preliminary plat is under city study in accordance with §§ 155.021 through 155.023. The application shall state fully all facts relied upon by the subdivider, and shall be supplemented with maps, plans, or other proposed data which may aid the Planning Commission in the analysis of the proposed project. Variances shall be considered at the next regular meeting held by the Planning Commission. The plans for development shall include any covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the proposed plat. Any variance or modification thus granted shall be recorded and entered in the minutes of the City Council setting forth the reasons for granting the variance. The fees to be paid for each application for a variance shall be established by resolution of the City Council and are available in the form of a published fee statement. (Ord. 179, passed 2-16-78)

ADMINISTRATION AND ENFORCEMENT**§ 155.145 BUILDING PERMITS; COMPLIANCE REQUIRED.**

No building permit shall be issued for any construction, enlargement, alteration, repair, demolition, or moving of any building or structure on any lot or parcel until all requirements of this chapter and regulation have been fully met.

(Ord. 179, passed 2-16-78)

§ 155.146 VIOLATIONS.

Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in § 10.99.

(Ord. 179, passed 2-16-78)

§ 155.147 EQUITABLE RELIEF; INJUNCTION.

Notwithstanding any prosecution commenced pursuant to § 155.146 above, any violation of this chapter shall be forthwith subject to both temporary and permanent restraint and injunction; all costs of any such equitable proceeding, including a reasonable attorney's fee, shall be assessed by the court against the violator.

(Ord. 179, passed 2-16-78)

