

SUB-ANALYSIS

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CHAPTER 12

SUBDIVISION REGULATION (PLATTING)

SECTION 12.01. GENERAL PROVISIONS.

Subd. 1. Purpose. Land subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots and open spaces a pattern has been established which determines how well community needs for residents, business and industry will be met. It also determines, to a great extent, how well the community will be able to handle its traffic circulation problems, how well it will be able to meet the demand for homesites and how efficiently and economically it will be able to provide the many services that are required. These subdivision regulations are designed to provide for harmonious development of a subdivided area; for a coordinated layout; for the proper arrangement of streets; for adequate and convenient spaces for traffic, utilities, recreation, light, air and access for firefighting equipment; and for adequate provision for water, drainage, sewer and other sanitary facilities. This Chapter adopts subdivision regulations to provide for the orderly, economic and safe development of land and urban services and facilities to promote the public health, safety, morals and general welfare.

Source: Ordinance No. 14, 2nd Series
Effective Date: 6-4-1976

Subd. 2. Application.

A. This Chapter shall apply to all land now lying within, and hereafter annexed to, the City, and to unincorporated territory located within two (2) miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided, that where a non-contiguous municipality has a boundary less than four (4) miles from that of the City it shall apply up to a line equidistant between the City and such municipality. Except as herein otherwise provided, this Chapter shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for any purpose, whether immediate or future, including the re-subdivision, rearrangement or replatting of land or lots. This Chapter shall further apply to any parcel of land being subdivided which includes an existing or future public right-of-way or easement according to the comprehensive Plan of the City that has not been previously dedicated.

B. This Chapter shall not apply to:

1. Subdivision into tracts each of which tracts contain five acres or more, and at least 300 feet in width, and all parcels are along an improved public road, or

2. Re-subdivision of land previously subdivided the total area of which is one acre or less, or

3. The subdivision or allocation of land as open space for common use by owners, occupants or leaseholders, or as easements for the extension and maintenance of public sewerage, water, storm drainage or other public facilities, or

4. The subdivision of one lot per 12 month period along a publicly maintained road not to exceed three lots per 40 acres or government lot from the original parcel in a 10-year period provided that all lots created in this manner are either 2.5 acres or larger in size or meet the requirements of the zoning code, whichever is more restrictive, and provided that such subdivision is in F-A, A-1, A-R or R-R zoning districts, or

5. The creation of two lots along a private driveway per 40 acres or government lot not to exceed four lots created in this manner along a single driveway provided all lots created conform with zoning and sanitary codes, provided that all such created lots are in F-A, A-1, A-R or R-R zoning districts, and provided that said private driveway is a minimum of 33 feet wide.

Source: Ordinance No. 339, 2nd Series

Effective Date: 10-7-2007

Subd. 3. Plat Approval Required. No plat for a subdivision or part thereof within the application of this Chapter shall be prepared, presented for approval, approved, or recorded, except as prescribed herein.

Subd. 4. Restrictions on Filing and Recording Conveyances.

A. After the effective date of this Subdivision, no conveyance of land to which this Chapter is applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat.

B. This Subdivision does not apply to a conveyance if the land (1) was a separate parcel of record on the date of adoption of this Subdivision, or (2) was the subject of a written agreement to convey entered into prior to the date of adoption of this Subdivision, or (3) was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1966, or (4) is a single parcel of land of not less than five acres and having a width of not less than 300 feet and its 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.

C. In any case in which compliance with this Subdivision will create an unnecessary hardship and failure to comply does not interfere with the purpose of this Chapter, the Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

D. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this Subdivision shall forfeit and pay to the City a penalty of not less than \$100.00 for each lot or parcel so conveyed. The City may enjoin such conveyance or may recover such penalty by a civil action in any Court of competent jurisdiction.

Subd. 5. Public Street Grants. No grant of a public street to the City by deed shall be filed without the approval of the Council by a resolution to that effect.

Subd. 6. Plat Review and Charges.

A. All subdividers are hereby on notice that the Council will employ qualified persons to check and verify surveys and plats hereafter filed for approval, and to determine the suitability of the plat from the standpoint of community planning. Such persons shall make full reports of their findings to the Council.

B. The subdivider shall reimburse the City for the cost of such services as to any plat. The Council shall, by resolution, adopt such charges. Such resolution shall be kept on file in the office of the City Clerk-Treasurer and open for inspection. The City Engineer, Planner and City Attorney, after completion of their respective review and verification procedures, shall advise the City Clerk-Treasurer as to fees and charges. As to participating salaried City employees such fees shall be computed on the basis of the employees' regular salary and the time involved. No Final Plat shall be approved for filing or recording until such charges are paid in full.

SEC. 12.02. DEFINITIONS. For the purpose of this Chapter, unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases shall have the following meanings and inclusions:

Subd. 1. The term "map" means a drawing showing one or more parcels of land.

Subd. 2. The term "plat" means a map showing a plan for the subdivision of land which is submitted for approval and is intended in final form (which shall contain the necessary certificates) for recording.

Subd. 3. The term "street" means a way set aside for vehicular traffic, regardless of size or designation, but excluding private driveways serving only one parcel of land.

Subd. 4. The term "arterial streets and highways" means those designed or utilized primarily for high vehicular speeds and/or for heavy volumes of traffic.

Subd. 5. The term "collector streets and highways" means those designed or utilized to carry intermediate volumes of traffic from minor streets to arterial streets.

Subd. 6. The term "local streets" means those which are used or will be used primarily for access to abutting properties and which carry limited volumes of traffic.

Subd. 7. The term "service drives" means minor streets which are parallel and adjacent to higher classified thoroughfares and which serve to reduce the number of access points to those thoroughfares and thereby increase traffic safety.

Subd. 8. The term "alleys" means minor ways which are used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.

Subd. 9. The term "subdivision" means the division of any parcel of land theretofore shown as a unit or as contiguous units of record, to which this Chapter is applicable.

Subd. 10. The term "transportation plan" means the part of the Comprehensive Plan, now or hereafter adopted which includes a major street and highway plan and sets forth the location, alignment, dimension, identification and classification of existing and proposed streets, highways and other thoroughfares.

Subd. 11. The term "lot" means a piece or parcel of land occupied or to be occupied by a building or a use, or as a unit for the transfer of ownership.

Subd. 12. The term "block" means the distance as measured along a street between intersecting streets from centerline to centerline; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.

Subd. 13. The term "drainage course" means a water course or indenture for the drainage of surface water.

Subd. 14. The term "easement" means a grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage courses and gas lines.

Subd. 15. The term "lake level" means the mean level of the lake or water course into which a property does or will drain as established by the City Engineer.

Subd. 16. The term "lot width" means the dimension of a lot from side line to side line as measured at the building setback line.

Subd. 17. The term "official map" means a map which designated certain existing and proposed alignment and right-of-way streets, alleys, other public ways, streams, storm water drainage channels and sewers and sanitary sewers, and site of parks, schools and other public grounds. Such map shall have been adopted by ordinance following public hearing procedures and is intended to guide future development in the City as it related to thoroughfares and community facilities.

Subd. 18. The term "owner" means a person having sufficient interest in land sought to be subdivided to maintain proceedings as a subdivider.

Subd. 19. The term "parks" means areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, playfields and special purpose areas.

Subd. 20. The term "private street" means a purported street, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

Subd. 21. The term "public walkway" means a public way designated for the use of pedestrian traffic.

Subd. 22. The term "sanitary sewer" means a constructed conduit connected with a sewer system from the carrying of liquids and solids other than storm waters to a sanitary treatment facility.

Subd. 23. The term "storm sewer" means a constructed conduit for carrying surface waters to a drainage course.

Subd. 24. The term "setback" means the building setback distance of a line as measured from the nearest street, road, or water shoreline or property boundary line.

Subd. 25. The term "subdivider" means a person commencing proceedings under this Chapter to subdivide land.

Subd. 26. The term "surveyor" means a duly Registered Land Surveyor employed by the subdivider for the preparation of subdivision surveys or plats as required by this Chapter and State Statute, and in accordance with the City Code and State Law.

Source: Ordinance No. 14, 2nd Series
Effective Date: 6-4-76

Subd. 27. The term "private road" means a drive, roadway or strip of land reserved for the use of a limited number of persons or purposes.

Subd. 28. The term "Common Interest Community" means contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on, one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate which satisfies the definition of a common interest community is a common interest community whether or not it is subject to MS 515B. Real estate subject to a master association, regardless of when the master

association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate pursuant to section MS 515B. For the purposes of this Chapter a common interest community shall be treated as a planned development.

Source: Ordinance No. 339, 2nd Series
Effective Date: 10-7-2007

(Sections 12.03 through 12.09, inclusive, reserved for future expansion.)

(Pages 635 through 638 reserved)

SEC. 12.10. PRELIMINARY PLAT.

Subd. 1. General Information. All subdividers are on notice of the substantive and procedural aspects of preparing and submitting plats for approval. However, if any subdivider has questions as to interpretation of this Chapter he/she is encouraged to meet with the City Engineer, Planning Commission, and the Zoning Administrator for the purpose of resolving questions prior to commencing such proceedings.

Subd. 2. Preliminary Plat Required. Before submitting a Final Plat for approval the subdivider shall have the approval of a preliminary Plat, so designated. Four copies of the preliminary Plat shall be filed in the office of the City Clerk-Treasurer; provided, that additional copies may be required if highways are affected. The City Clerk-Treasurer shall note the filing date on all copies.

Subd. 3. Procedure on Preliminary Plat.

A. One copy of any preliminary Plat which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the Register of Deeds shall be forthwith forwarded by the City Clerk-Treasurer to the Commissioner of Highways for his/her written comments and recommendations, and any such plat which includes land abutting upon an existing or established County or County State-Aid highway shall be so forwarded to the County Highway Engineer for his/her written comments and suggestions. Action thereon shall be postponed for a period of fifteen (15) days pending receipt of such response. Copies of any such responses shall be forwarded to the Secretary of the Planning Commission.

B. One copy of the Preliminary Plat shall be filed with the City Clerk-Treasurer for Council use and the Council shall be advised by him/her of such filing at its next regular meeting.

C. One copy of the preliminary Plat shall be referred by the City Clerk-Treasurer to the City Engineer. The City Engineer shall check and verify the survey and plat to such extent as he/she deems necessary; provided that he/she shall check it with the Zoning Administrator and with Heads of other Departments which, in his/her opinion, would be affected by approval of the preliminary Plat in the form presented. He/She shall, within thirty (30) days (unless such time limit be extended by the Council) from the filing date prepare a written report to the Council, with a copy to the Planning Commission,

including his/her comments and recommendations and the comments and recommendations of the Zoning Administrator and other Department Heads.

D. Two copies of the Preliminary Plat shall be referred to the Secretary of the Planning Commission and one referred by him/her to the Planner to determine the suitability of the plat from the standpoint of community planning. After receipt of such comments and recommendations, if any, from the Commissioner of Highways and County Highway Engineer, and after receipt of the report from the City Engineer and the Planner, the Planning Commission shall meet to review the Preliminary Plat and make its recommendations to the Council.

E. Such meeting of the Planning Commission shall be held within sixty (60) days from the date of filing, extended by the equivalent of any extension granted the City Engineer to make his/her report, and may be called by the Secretary. A ten (10) day written notice thereof stating the time, place and purpose shall be given by the Secretary to all members of the planning Commission, abutting property owners, and the subdivider. Provided, however, that failure to give such notice shall not affect the validity of such meeting or subsequent proceedings relating to the plat.

F. At such meeting the Planning Commission shall review the plat, consider all oral and written reports, comments and recommendations, and adopt, by majority vote of those present and voting, its own recommendation to the Council as to whether or not to approve or disapprove the plat, stating its reasons. Such recommendation shall be forwarded to the Council, with a copy to the subdivider, within five (5) days after the adjournment of such meeting.

G. At the next regular or special meeting held more than ten (10) days after receipt of the Planning Commission recommendation the Council shall call a hearing on the plat to be held before the Council, fix a time for hearing and order publication of notice thereof as required by Minnesota Statutes.

H. At any time prior to Council action calling a hearing on the Preliminary Plat the subdivider may, in writing, withdraw his/her application for approval thereof by filing such withdrawal in the office of the City Clerk-Treasurer. If he/she thereafter submits a Revised Preliminary Plat it shall be so designated to distinguish it from the original thereof, provided that a Revised Preliminary Plat shall be entitled to

the same consideration, and subject to the same procedure, except that unnecessary duplication should be avoided wherever possible.

I. Within thirty (30) days after the hearing the Council shall decide to approve or disapprove the plat. If its decision is to approve the plat, such approval shall be contingent upon filing a Final Plat in accordance with the requirements of this Chapter, and the City Clerk-Treasurer shall forthwith advise the subdivider of the Council action. Action approving the plat shall constitute approval of all supplementary documents including, but not limited to, the plan for construction and installation of improvements and the proposed method of payment therefor. In the event that any variance has been requested by the subdivider, and the Council approves the plat, it shall also make findings granting such variance. If its decision is to disapprove, the Council shall make and adopt findings of fact and conclusions which shall forthwith be forwarded to the subdivider.

Subd. 4. Preliminary Plat and Supplementary Data and Documents. All Preliminary Plats shall meet the Design Standards set forth in this Chapter and shall show thereon, or have submitted therewith, as the context of this Subdivision indicates, the following:

- A. Scale of 100 feet to 1 inch or larger.
- B. Name of subdivision, name and address of the owners, the engineer or surveyor, and the owners of the adjacent property.
- C. Location of subdivision by section, town, range or other legal description together with small scale sketch showing location within the section.
- D. Date, approximate north point, and graphic scale.
- E. Acreage of land to be subdivided.
- F. Zoning classification of lands to be subdivided and all adjacent lands.
- G. Contours at an interval of 2 feet.
- H. Boundary lines of area to be subdivided and their bearings and distances.
- I. Existing and proposed easements and their locations widths, and distances.

J. Streets on and adjacent to the tract and their names, widths, proposed approximate grades and proposed relative ground elevations at the intersections of all streets and every 100 feet along such streets and at the corners or extremities of the plat, and other dimensions as may be required. Elevations shall be to City datum or if unavailable a bench mark for the plat shall be shown.

K. Utilities on and adjacent to the tract showing proposed connections to existing utility systems. Rear easements for utility poles and wires shall be provided wherever possible. Data to be provided includes type of utility, location of manholes, catch basins, hydrants, etc.; approximate depth of pipe construction and size of pipe and direction of flow.

L. Lot lines, lot numbers, and approximate lot dimensions.

M. Sites and their acreages, if any, to be reserved or dedicated for parks, recreation areas, open spaces, schools, or other public uses. Sites, if any, for semi-public, commercial, or multi-family uses.

N. Minimum building setback lines.

O. Location of railroads, streams, natural and proposed drainage courses, permanent buildings, or other structures.

P. Other reasonable information, such as percolation and other soil tests, if so requested by the Commission in order to make a proper review of the site.

Q. Copies of proposed deed restrictions or protective covenants, if any.

R. A detailed written statement as to the general plan of improvements and proposed method of payment therefor, drainage and development thereof.

S. Whenever part of a tract is proposed to be subdivided and it is intended to subdivide additional parts of the tract in the future, a sketch plan for the entire tract showing the proposed general platting arrangement shall be submitted at the time the Preliminary Plat for the first part of the tract to be platted is filed.

T. If a variance is necessary, the subdivider shall submit with the Preliminary Plat his/her written request for such variance specifying, in detail, reasons necessitating variance in compliance with this Chapter.

SEC. 12.11. FINAL PLAT.

Subd. 1. Procedure on Final Plat.

A. The Final Plat in form and number required by Minnesota Statutes together with two paper copies and supplementary data and documents, and an Abstract of Title, Registered Property Certificate, or both, as the case may be, certified within the preceding thirty (30) days, shall be filed with the City Clerk-Treasurer. The plats required for filing shall bear the fully executed certificates of the subdivider and surveyor. The supplementary documents shall be in final form and shall be fully executed by the subdivider at the time of such filing.

B. The City Clerk-Treasurer shall forward the Official Plat and one paper copy and supplementary engineering documents and data to the City Engineer, and one paper copy and supplementary legal and title documents to the City Attorney.

C. The City Engineer shall examine the plat to determine whether or not it conforms to the Preliminary Plat and is consistent with the action taken by the Council and with the requirements of this Chapter. The City Attorney or his/her assistant, shall examine the title and determine whether or not the proper parties have subdivided the land and whether or not the title is without defects. They shall forward their respective opinions to the Council.

D. If the Final Plat and supplementary data and documents are found to be consistent with the action taken by the Council and in conformity with this Chapter and Minnesota Statutes, and after payment of plat review charges, the Council shall adopt an approving resolution which shall also authorize and direct the City Clerk-Treasurer to certify its approval on the plat. When he/she has so certified the City Clerk-Treasurer shall return the Official Plat, and copies required for filing, to the subdivider together with a certified copy of resolution of approval which must be filed with the Official Plat. An approving resolution shall become void ninety (90) days after adoption, unless the plat is filed for record within such time, provided that the time limitation shall be stated therein. If the Final Plat and supplementary data and documents are not in conformance with prior Council action, this Chapter or Minnesota Statutes, the Council shall forthwith return the executed plats and documents and state the requirements necessary for approval of the Final Plat.

Subd. 2. Final Plat and Supplementary Data and Documents.

A. Every Final Plat shall contain the following:

1. The Final Plat shall be prepared strictly in accordance with Minnesota Statutes including, but not by way of limitation, requirements for a description of the land to be platted including accurate dimensions, angles, bearings to describe boundaries, streets, easements, areas reserved for public purposes and other important features; name and right-of-way width of each street, highway, easement or other rights-of-way; location of rivers, streams, creeks, lakes, ponds and swamps; location and description of monuments; certification by surveyor as to the accuracy of the survey and plat; and, it shall set forth what part of the land is dedicated, and also to whom, and for what purpose these parts are dedicated.
2. Lot numbers, lot lines and dimensions.
3. Purpose for which sites, other than residential lots, are dedicated or reserved.
4. Names and location of adjoining subdivisions, streets and unplatte properties.
5. Certification on the plat by the City Clerk-Treasurer that the plat has been approved by the Council.

B. The subdivider shall submit with the Final Plat, and in accordance with the action taken by the Council approving the Preliminary Plat and supplementary documents, either (1) a certificate that all improvements have been installed in accordance with the requirements of this Chapter and have been paid for in full; or, (2) a corporate surety or cash bond, or escrow deposit and agreement (subject to withdrawal by the City) in an amount determined by the Council to be sufficient to guarantee the complete installation of improvements in accordance with this Chapter, which bond or agreement shall specify the completion date; or, (3) executed petitions for installation of the local improvements to be assessed.

C. The subdivider shall also submit with the Final Plat, the following:

1. Cross-sections, profiles and grades of streets, curb, gutters and sidewalks showing locations of in-street utilities, and drawn to standard scales and elevations.
2. Protective covenants, if any.

3. Letters of approval of highway access points and service roads from the Commissioner of Highways and the County Highway Engineer, as applicable.

4. A written statement from the management of each utility firm indicating that arrangements have been made for the installation of such utility in accordance with the terms and conditions for acceptance of the plat.

D. The Final Plat shall have a scale of 100 feet to 1 inch.

Source: Ordinance No. 14, 2nd Series
Effective Date: 6-4-76

(Sections 12.12 through 12.19, inclusive, reserved for future expansion.)

(Pages 646 through 650 reserved)

SEC. 12.20. DESIGN STANDARDS AND IMPROVEMENTS.

Subd. 1. Minimum Improvements Required. The subdivider shall provide the improvements described herein.

Subd. 2. Financing Improvements. Improvements may be financed, in accordance with a policy established by the Council and uniformly enforced, by one of the following means: (1) installation and payment therefor by the subdivider, or, (2) a corporate surety bond or cash bond guaranteeing performance of such installation, or, (3) an escrow deposit and agreement, or (4) special assessments, or, (5) any combination of the foregoing.

Subd. 3. Subsequently Platted Areas. No area platted or subdivided by metes and bounds descriptions after the effective date of this Chapter and lying outside the City shall be accepted for annexation unless it shall substantially conform, or is brought within, the minimum standards set forth herein.

Subd. 4. Conformance to the Official Map and Comprehensive Plan. All plats shall conform to the Official Map and other parts of the adopted Comprehensive Plan of the City. Whenever a subdivision embraces any part of an arterial or collector street or highway, which is so designated on the Official Map, such part shall be dedicated to the public by the subdivider in the location and at the width indicated thereon.

Subd. 5. Community Assets. In all subdivisions, due regard shall be shown for natural features such as trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the community. The Planning Commission may prepare a list of all such features within its area of subdivision jurisdiction which it deems worthy of preservation.

Subd. 6. Monuments and Stakes. All subdivision boundary corners, block and lot corners, street intersection corners, and points of tangency and curvature shall be marked with survey monuments consisting of minimum 5/8" steel rods 24" in length. Inscribed on the monument or cap, according to State Statute, shall be the registration number of the land surveyor making the survey. All U.S., State, County and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

Subd. 7. Public Sites and Open Spaces.

A. In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider, and by the Planning Commission upon review, to the dedication or reservation of suitable sites for schools, conservation areas or other public or semi-public recreation areas, or open spaces and parks.

1. Where a proposed public park, recreational area or open space, as determined by the Comprehensive Plan, planning Commission or Council, is located in whole or in part within a subdivision, the subdivider shall make available such lands to the City. Provided, however, that the total dedication (exclusive of public streets, alleys and pedestrian ways and exclusive of all other purchased sites such as fire and police stations, water towers and treatment plants and sewer lift stations) need not exceed ten per cent (10%) of the total grass acreage owned or controlled by the subdivider.

2. Where an area that is specifically designated by the Comprehensive Plan or Council for a public park, recreation area or open space exceeds the area equivalent to ten per cent of the total acreage controlled by the subdivider, the entire area shall be reserved for such use on all subdivision plans and plats; and the acquisition of such additional area shall then be secured by the City, or arrangements made for its acquisition, within a period not to exceed one (1) year from the date of approval of the preliminary plan. The value of the subject land at the time of subdivision but before improvements shall be established by three qualified appraisers, one of whom shall be appointed by the Council, one by the subdivider, and one of whom shall be mutually agreed upon by the other two parties.

B. Where less than ten per cent of the total gross area being subdivided is proposed for public parks, recreation areas or open spaces as designated by the Comprehensive Plan, the Planning Commission or Council, the subdivider shall dedicate such area that is less than ten per cent, and in addition, pay to the City a sum of money so that either or both the dedication and the payment equal ten per cent of the land before it is subdivided.

C. The entire sum of money equal to the appraised value of the land comprising an area equivalent to ten per cent of the total area of the tract, shall be paid by the subdivider to the City

in the event that there are no public parks, recreation areas or open spaces required by the Planning Commission and Council or offered for dedication by the subdivider.

D. Sums of money so received by the City shall be placed in a special account to be known as the Public Land Purchase and Improvement Account, and allocated by the Council solely for acquisition of land for public parks, recreation areas or open spaces, development of existing parks and recreation areas, or debt retirement in connection with lands previously acquired for parks, recreation areas or open spaces.

E. In residential subdivisions, the subdivider may at the option of the City, in lieu of the dedication of land for public use, contribute an equivalent amount in cash as determined in Subparagraph A, Item 1, above.

Subd. 8. Street and Block Layout.

A. The subdivision shall be so designed as to be in harmony with adjacent subdivisions and provide for the continuation of existing streets. Provisions shall be made for streets through the subdivision for the platting of contiguous property. No strip of unplatting land or portion of street or artifice shall be used or retained by the subdivider to impede the platting of adjacent parcels.

B. The street layout shall provide access adequate for emergency and public service vehicles to all lots and parcels of land within the subdivision.

C. Where appropriate to the design, streets shall be established to avoid jogs at intersections and to promote continuity of local streets and those of higher classifications. Street jogs with centerline offsets of less than 150 feet shall be discouraged.

D. Streets shall be established to take advantage of the contour of the land so as to produce usable lots, cause a minimum of cutting and filling and to produce streets with reasonable grades as defined herein.

E. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to provide for adequate circulation of traffic within the vicinity for adjacent but as yet undeveloped or platted land tracts.

F. Streets shall intersect other streets as near to a ninety degree angle as topography and other factors permit. Intersections of streets with arterial or collector streets shall be limited to a minimum angle of seventy degrees unless specifically approved by the Commission.

G. Whenever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision which conforms to the Official Map, the remainder of the street or alley shall be platted to the prescribed width within the proposed subdivision.

H. Half-width streets shall be prohibited where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations. Where an existing half-width street adjoins a portion of the boundary of a proposed subdivision, street dedication in a width needed to make this a full-width street may be required.

I. Street and right-of-way widths shall conform to those indicated in the Transportation Plan. Where such widths are not prescribed therein, the widths shall not be less than the minimums stated herein.

J. Alleys shall be platted in the rear of all lots to be used for commercial or industrial purposes. Alleys will not be approved in single family residential areas, unless required by unusual topography or other exceptional conditions.

K. Land abutting arterial or collector streets shall be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways; and with the view also of minimizing interference with traffic on such trafficways as well as the accident hazard. This may be accomplished in several ways:

1. By platting the lots abutting such trafficways at very generous depth, with setbacks or front yards at least 10 feet greater or deeper than otherwise required; and providing vehicular access to them by means of frontage access roads next to the trafficway, connected therewith at infrequent intervals;

2. By not fronting the lots on the highway or thoroughfare but on a parallel local street at a distance of a generous lot depth, in which case private driveways shall connect with such local street;

3. By a collector street platted more or less parallel with the highway or thoroughfare, 600 to 1,000 feet distance therefrom, from which loop streets or dead-end streets would extend toward the highway, the ends of which provide access to the lots abutting the highway to their rear.

L. Dead-end streets will be approved if limited to 500 feet in length, provided a permanently designed turn-around area having a minimum diameter to the edge of the finished street or curb line of not less than 50 feet and a minimum right-of-way diameter of 70 feet, is constructed.

M. Closed subdivisions (with only one exit) shall not be permitted.

N. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, unless, in the opinion of the Commission, prevented by unusual topography or other physical conditions.

O. The lengths, widths, and shapes of blocks, and lots within blocks, shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the principal and all required accessory uses.
2. Zoning requirements as to lot sizes and dimensions, and provisions regulating off-street parking and loading spaces.
3. Needs for convenient access, circulation, control and safety of street traffic.
4. Limitations and opportunities of topography.
5. Generally, blocks shall not exceed 1,320 feet nor less than 500 feet in length measured along the greatest dimension of the block.

P. Residential blocks shall normally be of sufficient width for two tiers of lots. Block lengths shall be determined by circulation and other needs. Where residential blocks with lots deeper than 200 feet are proposed, a reservation for a future street through the middle of the block, longitudinally, may be required.

Q. Pedestrian crosswalks, not less than 10 feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

R. The number of intersecting streets along arterial and collector streets shall be held to a minimum, and where practicable, blocks along such trafficways shall not be less than 800 feet in length.

Source: Ordinance No. 14, 2nd Series
Effective Date: 6-7-1976

Subd. 9. Minimum Widths for Streets and Alley Right-of-Way. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be shown in the Comprehensive Plan and where not shown therein, the minimum right-of-way width for streets, arterial highways or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

<u>Classification</u>	<u>Desirable</u>	<u>Acceptable</u>
Principal Arterial Highway	104 feet	74-80 feet
Minor Arterial Highway	80 feet	75 feet
Collector Streets	80 feet	66 feet
Local Streets		66 feet
Service Drives		30 feet
Alley		20 feet
Pedestrian Way		10 feet

Where existing or anticipated traffic on principal and minor arterial highways warrants greater widths or rights-of-way, these shall be required.

Subd. 10. Minimum Pavement Widths and Surface Type.

A. Pavement widths for arterial and collector streets will be designated in the Transportation Plan. Where required to be provided as part of the subdivision, the subdivider will be responsible for 32 feet. The difference, if any, between the cost of the portion to be provided at the expense of the subdivider including the cost of curb and gutter, if any, and that of the total width designated in the Transportation Plan shall be borne by the City, the County of St. Louis or by the Minnesota Highway Department where applicable, unless it is determined by the Council that such greater width will benefit the subdivider in proportion to its cost.

B. Local streets and dead-end streets shall have minimum paved widths of 32 feet. Where curb and gutter is required, the total width, face to face of curb, shall be 32 feet. The pavement of a turning circle at the end of a dead-end street shall have a minimum finished outside diameter of 60 feet.

C. Alleys shall have minimum paved widths of 20 feet.

D. Alleys, where permitted, will be constructed with a concrete pavement of a minimum thickness of 6 inches or of asphaltic pavement of a minimum thickness of 5 inches mat and 8 inch aggregate base. This requirement may be varied by the Council if, in their opinion, the requirement imposes too severe a restriction when related to the projected use of the alley.

E. The subdivider shall grade all streets from property line to property line prior to installation of water and sewer facilities. Centerline street grades are to be established by the subdivider subject to approval of the City Engineer.

F. The subdivider shall, after grading streets and after sewer and water mains are in, construct a minimum of a 12 inch aggregate base street 36 feet in width. The grading and graveling of the street includes installation of culverts necessary for over the ground drainage until curb and gutter is installed.

G. Streets shall be graded full width and fully constructed with a asphaltic pavement of a 5 inch mat and 12 inch aggregate base, or of a construction standard and material approved by the City Engineers in writing. If the classification of the street justifies the construction of a thicker section, the additional cost thereof may be borne by the City, the County of St. Louis, or the Minnesota Highway Departments depending upon the agency having jurisdiction.

H. The subdivider shall within one (1) year from the date of issuance of the final inspection certificate, by the City Engineer provide for the construction of curb and gutter within the confines of the platted area; provided, however, that the Council may extend this period where unusual drainage problems exist and the drainage cannot be installed prior to or with the curb and gutter construction.

Subd. 11. Street Grade, Curves and Sight Distances.

A. The grades of any street shall not be less than four-tenths per cent (0.4%). The grades of any alley shall not be less than 0.35%. (Where specifically approved by the City Engineer, alleys may be redesigned with a 0.25 grade when constructed with concrete pavement).

B. The grades in all streets, arterial highways, collector streets, minor streets and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Principal Arterial Highway	6 per cent
Minor Arterial Highway	6 per cent
Collector Street	6 per cent
Local Street	8 per cent
Alley	8 per cent

Pedestrian Way

20 per cent

(May be increased if steps of an acceptable design are provided)

C. All changes in street grade of one per cent (1%) or more shall be connected by vertical curves. The length of the vertical curve will be determined on the basis of providing stopping sight distances that comply to MNDOT regulations for stopping distances.

D. The radius of curvature on the centerline of the street shall not be less than that required to produce stopping sight distance as defined in subparagraph C above.

Source: Ordinance No. 339, 2nd Series
Effective Date: 10-7-2007

Subd. 12. Intersections.

A. At a street intersection, the street curb intersection shall be rounded by a radius of at least 15 feet.

B. Where, in the opinion of the Engineer, the centerline profiles of streets presented as part of the Preliminary Plan do not clearly indicate that adequate intersection design will be accomplished, the Commission may request an intersection detail at a scale not to exceed 1 inch equals 20 feet, which detail will clearly represent the construction details for said intersection.

C. Intersections shall be designed so as to avoid abrupt changes in longitudinal or transverse slope.

Subd. 13. Lots.

A. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lot dimensions shall conform to the requirements of the Zoning Chapter.

B. Excessive depth in relation to widths shall be avoided. A proportion of not more than three to one normally shall be considered appropriate.

C. Every lot shall abut on a street. Lots for residential purposes shall meet the size requirements of the Zoning Chapter and also the requirements relative to building setback and side yard requirements.

D. Corner lots for residential use shall be platted at least 5 feet wider than interior lots in order to permit conformance with the setback required by the Zoning Chapter on the side streets.

E. Residential lots fronting on arterial and collector streets should have extra depths to permit deep setbacks for the buildings.

F. Double frontage lots and reversed frontage lots shall not be platted except as hereinbefore permitted.

G. Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot fronts.

H. Narrow, triangular lots, unusual shapes, and lots not permitting at least a 26-foot width house with side yards and driveway, rear yards and front yards are prohibited. No plat will be accepted that contains lots undesirable for building, property subject to recurrent flooding, property at grades greater than eight per cent (8%) or other factors that may cause such properties to be marginal in building operations and cause such property to be returned for property taxes.

Subd. 14. Utilities and Drainage.

A. Where an approved public water supply is within reasonable access to the subdivision as determined by the number of lots, distance from and capacity of existing mains, water lines shall be placed within the right-of-way of each street. Water lines shall have a minimum diameter of 6 inches. The minimum size water main shall be 6 inches in diameter and all water mains shall be looped so that water is available from two directions to any point. Water main, fire hydrants, gate valves and appurtenances shall be installed in accordance with acceptable engineering practice. In general, in new residential areas, water main services with a shutoff shall be installed to appropriate public recreational areas in conjunction with the water main construction. Fire hydrants shall be installed at the intervals required by the City Code.

B. Sanitary sewers shall be constructed in accordance with the standards of the City and each lot shall be provided with a connection to a sanitary sewer. The City may accept an area for platting where such service cannot be provided when the lots are of sufficient size and the soil is suitable for private disposal systems in accordance with City and State Health Department recommendations. No such private disposal systems shall be interconnected or run to a common private or public drain. The minimum size public sanitary sewer shall be 8 inches in diameter. In general in new residential areas sanitary sewer services shall be installed to appropriate public recreational areas in conjunction with the sewer construction. Sewage lift stations will be constructed if necessary to serve an area, provided a lift station will be constructed on an assessment basis to serve an area only if at least fifty per cent (50%) of the cost is immediately assessable. The lift station cost beyond the fifty per cent and the pro-rata immediately assessable will be held for future assessment to the future area to be served.

C. All necessary facilities including underground pipe, manholes, inlets, catch basins and other appurtenances necessary to provide adequate drainage for the property or to maintain any natural drainage course shall be the responsibility of the developer. Open drainage ditches will not be allowed unless specifically directed by the City Engineer. Platting of property is prohibited unless it is possible to drain the property by gravity drainage to the natural drainage course for the area. As a minimum, no property plat will be accepted unless street grades are at least 5 feet above lake level and lots are of such elevation as to drain into the streets. The meeting of this minimum requirement does not obligate the Council to accept the plat if there are substantial obstructions to the drainage of the property contained therein, and the Council may require that the subdivider install pumping facilities for storm drainage prior to plat acceptance if such facilities are necessary.

D. In some cases the proposed area to be platted will not be served at its borders by water mains or sanitary sewer. The Council may require a petition for the creation of an assessment district to extend the facilities to the platted area; or may require the subdivider to pay the cost of such extension; or may accept the plat with a separate water or sewer system; or may pay the cost thereof and hold the amount for future assessment; or may refuse acceptance of the plat.

E. The City Engineer will design only the improvements to be installed by the City. A subdivider desiring to contract and install his/her own improvements shall do so in accordance with

City specifications and practice. The City Engineer will approve or disapprove all plans, specifications and installations in the public street and for improvements installed by the subdivider shall furnish a written statement to the subdivider of City acceptance of the improvement prior to the City accepting maintenance of the improvement or street as a part of the City system.

F. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. The Planning Commission may recommend, and the Council require, that the type of overhead pole used be of a quality and durability aesthetically in conformance with the nature of the residential development.

G. Where telephone, electric and gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services.

H. All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.

I. Placement of utilities underground shall be in accordance with the requirements of the City Code.

Source: Ordinance No. 14, 2nd Series
Effective Date: 6-4-1976

Subd. 15. Other Requirements.

A. Sidewalks at least 5 feet wide, constructed of concrete pavement with a minimum thickness of 4 inches shall be constructed on both sides of every street where the estimated or researched average daily traffic volume exceeds 500 trips. Sidewalks shall be constructed on one or both sides of street irrespective of the width of lots where, in the opinion of the Commission, these are necessary to protect the safety of pedestrians.

Source: Ordinance No. 339, 2nd Series
Effective Date: 10-7-2007

B. The subdivider shall install driveways, driveway approaches and curb returns for each connection to the street.

C. The installation of trees and shrubs to form a tight screen effective at all times shall be required along the rear line of any lot in the subdivision which backs onto an arterial or collector street.

D. All streets are to be named. A proposed street which is in alignment with and which joins an existing and named street shall be given the name of the existing street. The name of a proposed street shall not duplicate the name of an existing street to which it does not connect or with which it is not in alignment.

E. Reflectorized street name signs shall be provided at all street intersections or where a change of direction of a street requires a change of street name. The signs shall be of the size and type approved for use by the City. Normally, one sign will be required at each residential intersection; however, more may be required dependent upon the character and/or width of the streets.

F. An easement for utilities, at least 6 feet wide, shall be provided along each side of a side line of lots and/or the rear line of lots where necessary to form a continuous right-of-way, at least 12 feet in width. Such easements to be dedicated and provide for utility service from street to street. The intent of such easements is to furnish overhead wire utility service from the rear of the lots to buildings. If necessary for the extension of main water or sewer lines, electrical transformer pads or similar utilities, easements of greater width may be required along lot lines or across lots.

1. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the Council.

2. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

3. Where a subdivision is transversed by a water course, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the Planning Commission.

Source: Ordinance No. 14, 2nd Series
Effective Date: 6-4-76

SEC. 12.21 OPTIONAL STANDARDS IN RURAL AREAS.

Subd. 1. Purpose and Intent. The purpose of these optional standards is to allow subdivisions in those portions of Hibbing that are rural today and likely will remain rural in the future to be developed in keeping with standards and requirements appropriate to rural areas.

Subd. 2. Application.

A. The optional rural subdivision standards contained in this Section 12.21 may only be applied in the F-A, A-1, A-R or R-R zoning districts.

B. Applicant must indicate his/her intent to use the optional rural subdivision standards contained in this Section 12.21 at the time of submitting the preliminary plat.

Subd. 3. Plats submitted under the terms of this Section 12.21 shall conform to all standards, regulations, requirements, and procedures of this Chapter with the exception that the following modifications may be allowed as specific conditions of the approved plat:

A. The open space requirements of Sec. 12.20, Subd. 7, subparagraphs B through E, may be waived in whole or part.

B. The alley requirement in Sec. 12.20, Subd. 8, subparagraph J, may be waived in whole or part.

C. The limit on length of dead-end streets in Sec. 12.20, Subd. 8, subparagraph L, may be waived in whole or part.

D. The prohibition on closed subdivisions in Sec. 12.20, Subd. 8, subparagraph M, may be waived in whole or part.

E. The requirement that blocks shall have sufficient width for two tiers of lots in Sec. 12.20, Subd. 8, subparagraph N, may be waived in whole or part.

F. The block length and future street reservation requirements in Sec. 12.20, Subd. 8, subparagraph P, may be waived in whole or part.

G. The pedestrian crosswalk requirement in Sec. 12.20, Subd. 8, subparagraph Q, may be waived in whole or part.

H. The requirements for paved streets and curb and gutter in Sec. 12.20, Subd. 10, may be waived although all other specifications of that subdivision shall be required.

I. The sidewalk requirement in Sec. 12.20, Subd. 15, subparagraph A, may be waived in whole or part.

Source: Ordinance No. 339, 2nd Series
Effective Date: 10-7-2007

(Sections 12.22 through 12.39, inclusive, reserved for future expansion.)

(Pages 664 through 667 reserved)

SEC. 12.40. EXEMPTION. The Council may exempt from compliance with all or any part of the requirements for preparation of a Preliminary Plat any subdivision situated in a locality where conditions are well defined and containing not more than four lots fronting on an existing street, and not involving a new street or the extension of municipal utilities, and not adversely affecting the adjoining property.

SEC. 12.41. VARIANCES.

Subd. 1. Reasons for Granting. The Council may grant a variance from these regulations following a finding that all of the following conditions exist: (1) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his/her land; or (2) the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; or (3) the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

Subd. 2. Consideration to be Given. In making such finding the Council shall consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. In granting a variance as herein provided the Council shall prescribe only conditions that it deems desirable or necessary to the public interest.

SEC. 12.42. BUILDING PERMITS. No building permit shall be issued in the platted area until the premises described in the application qualify therefor in accordance with the City Code.

Source: Ordinance No. 14, 2nd Series
Effective Date: 6-4-76

SEC. 12.43. ADEQUATE LAND SUITABILITY. No land shall be subdivided which is held by the Council to be unsuitable for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the City.

Source: Ordinance No. 158, 2nd Series
Effective Date: 6-2-88

(Sections 12.44 through 12.98, inclusive, reserved for future expansion.)

(Pages 670 through 674 reserved)

SEC. 12.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: Ordinance No. 14, 2nd Series
Effective Date: 6-4-76