

## SECTION 30 SUBDIVISION REGULATION (PLATTING)

### SECTION 30.01. GENERAL PROVISIONS.

**Subd. 1. Purpose.** In order to safeguard the best interests of the City and to assist the sub-divider in harmonizing his/her interests with those of the City at large, this Chapter is adopted so that the adherence to same will bring results beneficial to both parties. It is the purpose of this Chapter to make certain regulations and requirements for the platting of land pursuant to the authority contained in Minnesota Statutes Annotated, which regulations the Council deems necessary for the health, safety and general welfare of this community.

**Subd. 2. Scope.** The rules, regulations and standards governing subdivision of land as contained herein, shall apply to all land within the corporate limits of the City and any unincorporated territory in Rice County located within two miles of its limits, except where another incorporated municipality lies within four miles of the City, the jurisdictional limit shall be equidistant between the two incorporated municipalities.

**Subd. 3. Approvals Necessary for Acceptance of Subdivision Plats.** Before any plat shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the Council as having fulfilled the requirements of this Chapter.

**Subd. 4. Conditions for Recording.** No plat of any subdivision shall be entitled to record in the Rice County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.

**Subd. 5. Building Permits.** No building permits shall be considered for issuance by the City for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this Chapter have been complied with fully.

<sup>18</sup> **Subd. 6. Exceptions.** When requesting a subdivision that does not meet the standards for Section 30.09, if the following condition exists, the City Clerk shall bring the request to the attention of the Planning Commission and Council whereupon, the said request shall be reviewed and the Council, following receipt of a recommendation from the Planning Commission, may exempt the sub-divider from complying with any procedural requirements of this Chapter that are deemed inappropriate: As 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 or any structure to be in violation with this Chapter or the Zoning Chapter.

**Subd. 7. Conflict.** Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions or City Code provisions, the most restrictive standards shall apply.

**SEC. 30.02. DEFINITIONS.** The following terms, as used in this Chapter, shall have the meanings stated:

1. "**Alley**" - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

2. **"Applicant"** - The owner of land proposed to be subdivided for his/her representation. Consent shall be required from the legal owner of the premises.
3. **"Block"** - An area of land within a subdivision that is entirely bordered by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river or lake.
4. **"Boulevard"** - The portion of the street right-of-way between the curb line and the property line.
5. **"Building"** - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure
6. **"Comprehensive Plan"** - The group of maps, charts and text that make up the comprehensive long-range plan of the City.
7. **"Design Standards"** - The specifications to land owners or sub-dividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.
8. **"Easement"** - A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways and gas lines.
9. **"Final Plat"** - A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Rice County for the purpose of recording.
10. **"Individual Sewage Disposal System"** - A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.
11. **"Lot"** - Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the zoning regulations, having not less than the minimum area required by the Zoning Chapter for a building site in the district in which such lot is situated and having its principal frontage on a street.
12. **"Lot, Corner"** - A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.
13. **"Lot Improvement"** - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.
14. **"Outlot"** - A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended and for which no building permit shall be issued.
15. **"Owner"** - Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of them.

16. **"Parks and Playgrounds"** - Public land and open spaces in the City dedicated or reserved for recreation purposes.
17. **"Percentage of Grade"** - On street center line, means the distance vertically from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.
18. **"Pedestrian Way"** - A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.
19. **"Preliminary Plat"** - A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.
20. **"Protective Covenants"** - Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
21. **"Public Improvement"** - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established
22. **"Setback"** - The distance between a building and the property line nearest thereto.
23. **"Street"** - A public right-of-way affording primary access by pedestrians or vehicles or both, to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, Boulevard.
24. **"Streets – Principal Arterial Streets"** - Those streets carrying highest volumes of traffic and highest level of service at the greatest speed for the longest uninterrupted distance. Serving as links between larger cities, and connecting major business concentrations.
25. **"Streets – Regional Arterial Streets"** - Those streets connecting important locations inside and outside different regions. Rice, Dakota, and Goodhue County roads that connect communities, and access principal arterials, should be considered regional arterials. Regional arterials emphasize mobility, and access needs to be carefully managed to avoid capacity and safety problems. There is typically more access to regional arterials than to principal arterial.
26. **"Streets – Local Arterial Streets"** - Those streets connecting important locations inside communities, and typically serving local trips. Local arterials generally connect to regional arterials and regional collectors. They serve as mobility corridors, and as primary roads for accessibility. In fully developed urban areas, they tend to carry high volumes of traffic, and provide a high degree of access to adjacent properties.
27. **"Streets – Regional Collector Street"** - Those streets which provide a balance of serving both mobility and access needs. They consist of county roads that provide connectivity between the regional and local arterial system, and collect distribute traffic from developed areas. In general, regional collectors emphasize mobility over access.

28. **"Streets – Local Collector Street"** - Those streets whose primary function is to provide access to adjacent land by serving as a connection between the local street network and arterial roadways or regional collectors. They also connect developed areas within communities with other developed areas within communities Local collector streets primarily provide principal access to residential neighborhoods, including, to a lesser degree, direct land access.
29. **"Streets - Local Street"** - Those streets which are used primarily for access to abutting properties and for traffic movement. This classification would be applied to most City streets.
30. **"Streets - Marginal Access Street (Frontage Road)"** - Those local streets which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.
31. **"Streets - Cul-de-Sac"** - A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.
32. **"Street Width"** - The shortest distance between lines of lots delineating the street's right-of-way.
33. **"Sub-divider"** - Any individual, firm, association, syndicate, co-partners, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.
34. **"Subdivision"** - The division of land resulting in a parcel of land less than five acres in area or less than 300 feet in width, for the purpose of transfer of ownership or building development or, if a new street is involved, any division of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- <sup>18</sup> 35. **"Subdivision, Administrative"** – A division, combination, or lot line adjustment where the intent is to permit the adding of a parcel of land to an abutting lot, adjust a lot line, or divide an existing parcel into two lots.

**(SECTIONS 30.03 THROUGH 30.08 INCLUSIVE, RESERVED FOR FUTURE EXPANSION.)**

<sup>18</sup> **SEC. 30.09. ADMINISTRATIVE SUBDIVISIONS.**

**Subd. 1. QUALIFICATION.** The following circumstances may be considered an administrative subdivision:

- A.** In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both resulting lots conform to minimum requirements of the Zoning Ordinance.
- B.** In the case of a request to combine two (2) existing platted lots.
- C.** A division that allows for the division of one (1) existing platted lot into two (2) lots and both new lots conform to the minimum requirements of the Zoning Ordinance.
- D.** The property to be divided shall not be part of a Planned Unit Development.

**E.** The parcel of land shall not have been part of an administrative subdivision within the last five (5) years.

**Subd. 2. APPLICATION.** Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of such subdivision, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall file an application and secure approval of an administrative subdivision. The administrative subdivision application shall be considered to be officially filed when the Zoning Administrator or designee has received the application and has determined that the application is complete.

**Subd. 3. SUBMITTAL REQUIREMENTS.** Unless otherwise waived by the Zoning Administrator, the submittal requirements are the same as for a Preliminary Plat as found in Section 30.12.

**Subd. 4. PROCEDURE.**

**A.** A development application form with required fees shall be submitted to the City of Dundas.

**B.** The Zoning Administrator shall request input by the City's planning, engineering, and legal staff, as appropriate, and shall forward copies of the application to agencies and utility companies responsible for review of the application.

**C.** Administrative subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review of the Minnesota Department of Transportation and/or Rice County Highway Department. Written notice and a copy of the proposed administrative subdivision shall be filed with the Minnesota Department of Transportation and/or Rice County Highway Department for review and comment. Final action on an administrative subdivision shall not be taken until the minimum thirty (30) day review period has elapsed or until all referenced parties have signed off, whichever first occurs.

**D.** The Zoning Administrator shall have authority to request supportive information pertinent to the administrative subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.

**E.** Decision. The Zoning Administrator shall reach a decision on the requested administrative subdivision within sixty (60) days of complete application, unless the applicant agrees to an extension of the review period.

**1.** The Zoning Administrator may approve the administrative subdivision with conditions that shall be met to ensure the administrative subdivision is compliant with the regulations of the Subdivision and Zoning Ordinances, as may be amended, and other applicable requirements.

**2.** The Zoning Administrator shall prepare findings and deny a subdivision if the administrative subdivision is found to be premature as defined by the criteria of Section 30.11 (Premature Subdivision) of this Ordinance or fails to comply with regulations of the Dundas Subdivision and Zoning Ordinances, as may be amended, or other applicable requirements.

**3.** Decision Appeal. The applicant may appeal an administrative subdivision denial following the appeal procedure outlined in Section 20, Subsection 5 of the Zoning Ordinance.

4. Prior to certification by the City of the approval of the administrative subdivision, the applicant shall supply the deed(s) granting to the City any easements as required by the Zoning Administrator.

**Subd. 5. RECORDING.**

**A.** If the administrative subdivision is approved by the Zoning Administrator, the applicant shall record the deed, and the accompanying survey, in the Office of the County Recorder within sixty (60) days after the date of approval, otherwise the approval of the administrative subdivision shall be considered void.

**B.** When the land for which the administrative subdivision abuts a State highway, County road, or County highway, a certificate or other evidence showing submission and approval of the administrative subdivision to the Minnesota Department of Transportation and/or Rice County Highway Department shall be filed with the County Recorder of Deeds, with the administrative subdivision.

**SEC. 30.10. PROCEDURES FOR FILING AND REVIEW.**

**Subd. 1. SKETCH PLAN.** In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Chapter and the requirements or limitations imposed by other City Code provisions or plans, prior to the development of a preliminary plat, all applicants shall present a sketch plan to the City Clerk prior to filing a preliminary plat. The submittal shall be at least 15-days in advance of the next regular meeting of the Planning Commission. The Planning Commission will be informed of the submittal, and shall be afforded the opportunity to comment to the sketch plan at their next regular meeting following the submittal..

**Subd. 2. PRELIMINARY PLAT.**

**A. Filing.** Twenty (20) copies of the Preliminary Plat, to include computer media (pdf files), and list of property owners located within 350 feet of the subject property obtained from and certified by Rice or Dakota County, shall be submitted to the City Clerk. The submittal shall be at least 15-days in advance of the next regular meeting of the Planning Commission. The required filing fee as established by Council resolution shall be paid and any necessary applications for variances from the provisions of this Chapter shall be submitted with the required fee. The proposed plat shall be placed on the agenda of the first possible Planning Commission meeting occurring after 15 days from the date of submission. The plan shall be considered as being officially submitted when all the information requirements are complied with.

**B. Hearing.** The Planning Commission upon receipt of said application shall instruct the City Clerk to set a public hearing for public review of the Preliminary Plat. Said hearing shall be established once adequate time has been allowed for staff and advisory body review of the Plat. The Planning Commission shall Conduct the hearing, and report its findings and make recommendations to the Council. Notice of said hearing shall consist of a legal property description, description of request and map detailing property location, and be published in the official newspaper at least ten days prior to the hearing and written notification of said hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such hearing proceeding as set forth in this Chapter.

**C. Technical Assistance Reports.** After the public hearing has been set, the City Clerk shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Council.

**D. Review by Other Commissions or Jurisdictions.** The City Clerk shall refer copies of the Preliminary Plat to the Park Board, County, State or other public jurisdictions for their review and comment, where appropriate and when required.

**E. Planning Commission Action.** The Planning Commission shall make a recommendation to the Council immediately following the close of the public hearing. If the Planning Commission has not acted upon the Preliminary Plat within sixty days from the opening of the public hearing, the Council may act on the Preliminary Plat without the Planning Commission's recommendation.

**F. Council Action.**

1. If all requirements of this Chapter and as additionally imposed by the Planning Commission are complied with, the Council shall act upon the Preliminary Plat and may impose conditions and restrictions which are deemed necessary within sixty days of the date of the close of the Planning Commission's public hearing.

2. If the Preliminary Plat is not approved by the Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the Preliminary Plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Chapter to be indicated on the Final Plat. The Council may require such revisions in the Preliminary Plat and Final Plat as it deems necessary for the health, safety, general welfare and convenience of the City

3. If the Preliminary Plat is approved by the Council, the sub-divider must submit the Final Plat within 100 days after said approval or approval of the Preliminary Plat shall be considered void, unless a request for time extension is submitted in writing and approved by the Council.

**Subd. 3. FINAL PLAT.**

**A. Filing.** After the Preliminary Plat has been approved, Final Plat shall be submitted for review as set forth in the Subdivisions which follow.

**B. Approval of the Planning Commission.** Twenty (20) copies of the Final Plat, to include computer media (pdf files), shall be submitted to the City Clerk for distribution to the Planning Commission, Council and appropriate City staff, twenty days prior to a Commission meeting at which consideration is requested. During the said twenty days, the City staff shall examine the Final Plat and prepare a recommendation to the Planning Commission. Nature of approval, disapproval, or any delay in decision of the Final Plat will be conveyed to the sub-divider within ten days after the meeting of the Planning Commission at which such Plat was considered. In case the Plat is disapproved, the sub-divider shall be notified in writing of the reasons for such action and what requirements shall be necessary to meet the approval of the Commission.

**C. Approval of the Council.** After review of the Final Plat by the Planning Commission, such Final Plat, together with the recommendations of the Planning Commission shall be submitted to the Council for approval. If accepted, the Final Plat shall be approved by resolution, which resolution shall provide for the acceptance of all agreements for basic improvements, public dedication and

other requirements as indicated by the Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval. The Council's decision shall be made within sixty days after the first meeting at which it received the Final Plat.

**D. Special Assessments.** When any existing special assessments which have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, the City Clerk shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the Council of such cost, the same shall be paid to the City Clerk before the Final Plat approval.

**E. Street Addresses.** With submission of the Final Plat, ten copies of the Plat map showing all addresses, correctly labeled in conformance with all applicable Rice County and City Code provisions and policies, shall be supplied to the City Clerk for subsequent distribution to the utility companies and local school districts.

**F. Recording Final Plat.** If the Final Plat is approved by the Council, the sub-divider shall record it with the Rice County Recorder within 100 days after said approval or approval of the Final Plat shall be considered void, unless a request for time extension is submitted in writing and approved by the Council. The sub-divider shall, immediately upon recording, furnish the City Clerk with a print and reproducible tracing (hard copy and computer media) of the Final Plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Rice County.

**SEC. 30.11. PREMATURE SUBDIVISIONS.** Any Preliminary Plat of a proposed subdivision deemed premature for development shall be denied by the Council.

**Subd. 1. CONDITION ESTABLISHING PREMATURE SUBDIVISIONS.** A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist:

**A. Lack of Adequate Drainage.** A condition of inadequate drainage may be deemed to exist if:

1. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.
2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
3. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
4. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

**B. Lack of Adequate Water Supply.** A proposed subdivision may be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.



**C. Lack of Adequate Roads or Highways to Serve the Subdivision.** A proposed subdivision may be deemed to lack adequate roads or highways to serve the subdivision when:

1. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of Rice County, and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use.
2. The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on roadways existing at the time of the application or proposed for completion within the next two years.

**D. Lack of Adequate Waste Disposal Systems.** A proposed subdivision may be deemed to lack adequate waste disposal systems if in subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five years; or if in subdivisions where sewer lines are neither available nor proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to its maximum permissible density.

**E. Inconsistency With Comprehensive Plan.** The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted Comprehensive Plan, as may be amended.

**F. Providing Public Improvements.** Public improvements, such as recreational facilities, or other public facilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be reasonably provided for within the next two years.

**G. MEQC Policies.** The proposed subdivision is inconsistent with the policies of MEQC 30, as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas which are designated or officially recognized by the Council in violation of Federal and State historical preservation laws.

**Subd. 2. BURDEN OF ESTABLISHING.** The burden shall be upon the applicant to show that the proposed subdivision is not premature.

## **SEC. 30.12. PLAT AND DATA REQUIREMENTS.**

**Subd. 1. SKETCH PLAN.** Sketch plans shall contain, at a minimum, the following information:

- A. Plat boundary.
- B. North arrow.
- C. Scale.
- D. Street layout on and adjacent to plat.

**E.** Designation of land use and current or proposed zoning.

**F.** Significant topographical or physical features.

**G.** General lot locations and layout.

**H.** Preliminary evaluation, in writing, by the applicant that the subdivision is not classified as premature based upon criteria established in Section 30.11.

**Subd. 2. PRELIMINARY PLAT.** The sub-divider shall prepare and submit a Preliminary Plat, together with any necessary supplementary information. The Preliminary Plat shall contain the information set forth in the Subdivisions which follows:

**A. General Requirements.**

1. Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.
2. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
3. Names and addresses of all persons having property interest, the developer, designer, and surveyor together with his/her registration number.
4. Graphic scale or plat, not less than one inch to one hundred feet.
5. Date and north arrow.

**B. Existing Conditions:**

1. Boundary line and total acreage of proposed plat, clearly indicated.
2. Existing zoning classifications for land within and abutting the subdivision.
3. Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of 350 feet beyond the tract.
4. Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown.
5. Boundary lines of adjoining un-subdivided or subdivided land, within 350 feet, identified by name and ownership, including all contiguous land owned or controlled by the sub-divider.
6. Topographic data, including contours at vertical intervals of not more than two feet. Water courses, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be known.

7. In plats where public water and sewer are not available, development shall be subject to procedures and requirements as established by City Code provisions, as may be amended. As authorized by the Council, the sub-divider shall file a report prepared by a registered civil engineer on the feasibility of individual on-site sewer and water systems on each lot, and shall include soils boring analysis and percolation tests to verify conclusions. Said report and finding shall be subject to the review and approval of the City Engineer.

### **C. Proposed Design Features.**

1. Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross-sections, and proposed names of streets in conformance with City and County street identification policies. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. Street layout and right-of-way requirements shall be in accordance with the City's Transportation Plan and the requirements of this Section.

2. Locations and widths of proposed alleys and pedestrian ways.

3. Locations and size of proposed sewer lines and water mains.

4. Location, dimension and purpose of all easements.

5. Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.

6. Minimum front and side street building setback lines.

7. When lots are located on a curve, the width of the lot at the building setback line.

8. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

**9. Water Supply.** Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City. In areas where public water supply is not reasonably available, as determined by the City Council, individual wells shall be provided on each lot, properly placed in relationship to the individual sewage disposal facilities on the same and adjoining lots. With the approval of the City Council, a communal well may be installed as an alternative to individual wells. Well plans must comply with the Minnesota State Well Code, as may be amended, and be submitted and subject to the approval of the Minnesota Department of Health, MnDNR, and the City Engineer.

**10. Sewage Disposal, Public.** Sanitary sewer mains and service connections shall be installed in accordance with the standards of the City

**11. Sewage Disposal, Private.** All on- site septic systems shall be installed in accordance with all applicable State Pollution Control Agency regulations and City Code provisions. On-site septic systems will not be permitted where the City Council determines that public sewer service is reasonably available.

**12. Landscaping Plan.** To be in accordance with standards adopted by the City, and implemented in the development.

**13. Lighting Plan.** Utilizing City's standard poles & fixtures, to be installed as part of the development, at the indicated spacing.

**14. Sidewalk / Trail Plan.** To be in accordance with City's adopted Walk and Trail Plan, and implemented in the development. The sidewalk and trail plan shall be subject to review by the City's Parks Commission.

**D. Supplementary Information.**

1. Any or all of the supplementary information set forth in this Subdivision shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or Council.

2. Proposed protective covenants.

3. An accurate soil survey of the subdivision.

4. A survey identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.

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

6. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.

7. Provision for surface water disposal, ponding, drainage, and flood control.

8. Where the sub-divider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the sub-divider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions, and it shall be the applicant's responsibility to demonstrate such potential relationship.

9. Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the Preliminary Plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.

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

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

**12.** When the City has agreed to install improvements in a development, the developer shall furnish the City a financial statement satisfactory to the City. When the City has not undertaken to install improvements, the City may, at the City's option, require the developer to furnish a financial statement satisfactory to the City.

**13.** Such other information as may be required.

**Subd. 3. FINAL PLAT.** The owner or sub-divider shall submit a Final Plat together with any necessary supplementary information. The Final Plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and Rice County regulations, and such Final Plat shall contain the following information:

**A.** Names of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.

**B.** Location by section, township, range, County and State, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error closure on any portion of a Final Plat shall be one foot in 7,500.

**C.** The location of monuments shall be shown and described on the Final Plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.

**D.** Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.

**E.** Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.

**F.** The exact locations, widths, and names of all streets to be dedicated.

**G.** Location and width of all easements to be dedicated.

**H.** Name and address of surveyor making the plat.

**I.** Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow. Final Plats shall be illustrated at a scale of one inch equals fifty feet and on sheets of approximately 22 by 34 inches in size.

**J.** Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, along, and through the strips marked "utility easements."

**K.** Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this Plat and not heretofore dedicated to public use are hereby so dedicated.

**Subd. 4. ADDRESS MAP.** The Address Map shall be prepared in accordance with City and County policy and shall include all addresses of lots as platted.

**Subd. 5. CERTIFICATION REQUIRED.**

**A.** Certification by registered surveyor in the form required by Minnesota Statutes, Section 505.03, as amended.

**B.** Execution by all owners of any interest in the land and any holders of a mortgage thereon, of the certificates required by Minnesota Statutes, Section 505.03, as amended, and said certificate shall include a dedication of the utility easements and other public areas in such form as approved by the Council.

**C.** Space for certificates of approval and review to be filled in by the signatures of the Chairman and Secretary of the Planning Commission and the Mayor and City Clerk.

1. The form of certificate by the Planning Commission is as follows:

Reviewed and forwarded by the Planning Commission of the City of Dundas

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Secretary

2. The form of certificate by the City Council is as follows:

Approved by the City of Dundas, Minnesota

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

**SEC. 30.13. DESIGN STANDARDS.**

**Subd. 1. BLOCKS.**

**A. Block Length.** In general, intersecting streets, determining block lengths, shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed 1,200 feet nor be less than 400 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block.

**B. Block Width.** The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

### **Subd. 2. LOTS.**

**A. Area.** The minimum lot area, width and depth shall not be less than that established by the zoning regulations in effect at the time of adoption of the Final Plat.

**B. Corner Lots.** Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Zoning Chapter.

**C. Side Lot Lines.** Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

**D. Frontage.** Every lot must have the minimum frontage on a City approved street other than an alley, as required in the Zoning Chapter.

**E. Setback Lines.** Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Zoning Chapter, as may be amended.

**F. Water Courses.** Lots abutting a water course, wetland, ponding area, or stream shall have additional depth and width, as required under the provisions of the Zoning Chapter.

**G. Features.** In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, wetlands, historic locations, or similar conditions which if preserved will add attractiveness and stability to the proposed development.

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

**I. Political Boundaries.** No singular plat shall extend over a political boundary or school district line without document notification to the affected units of government.

**J. Frontage on Two Streets.** Double-frontage, or lots with frontage on two parallel streets, shall not be permitted except: where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least twenty feet in order to allow space for screen planting along the back lot line.

**K. Turn-Around Access.** Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access and egress on each lot.

### **Subd. 3. STREETS AND ALLEYS.**

**A. Streets, Continuous.** Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining un-subdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of streets shall generally adhere to the City's Transportation Plan, and implement a grid system as

directed by the City. The arrangement of arterial, collector, and local streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relationship to the proposed uses of the area to be served.

**B. Local Streets and Dead-End Streets.** Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography, design constraints, or other physical conditions justify their use. Cul-de-sacs shall generally not be longer than 600-feet, including a terminal turn-around, which shall be provided at the closed end, with a right-of-way radius of not less than sixty-feet.

**C. Street Plans for Future Subdivisions.** Where the plat to be submitted includes only part of the tract owned or intended for development by the sub-divider, a tentative plan of the proposed future street system for the unsubdivided portion shall be prepared and submitted by the sub-divider. Street plans shall be in conformance with the City's Transportation Plan, and shall provide for connectivity to adjoining neighborhoods as determined by the City Engineer.

**D. Temporary Cul-de-Sac.** In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn-around facility shall be provided at the closed end, in conformance with cul-de-sac requirements.

**E. Provisions for Re-subdivision of Large Lots and Parcels.** When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings for future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.

**F. Street Intersections.** Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be eighty degrees. Street intersection jogs with an offset of less than 150-feet shall be avoided.

**G. Subdivisions Abutting Major Rights-of-Way.** Wherever the proposed subdivision contains, or is adjacent to the right-of-way of a U.S. or State Highway, or a County Road or Thoroughfare, provision should be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, provided that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between such street and the right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths. Design considerations should include avoidance of rear yards abutting the subject right-of-way.

**H. Sidewalks.** Sidewalks shall be required on one side of any platted local street, both sides of collector or arterial streets, and both sides of cul-de-sac streets including the turn-around. In those cases where the Council deems appropriate and necessary, additional sidewalks of not less than five feet in width shall be provided. In all cases where sidewalks are provided, provision shall be made for handicapped access.

**I. Service Access, Alleys.** Service access shall be provided in commercial and industrial districts for off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys, where provided, shall not be less than thirty feet wide. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turnaround facilities are provided at the closed end.



**J. Half Streets.** Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.

**K. Street Grades.** Except when upon the recommendation of the City Engineer, where the topography warrants a greater maximum, the grades of all local streets and alleys in any subdivision shall not be greater than 10%. The maximum grade of collector streets, thoroughfares, and arterials shall not be greater than 6%. In addition, there shall be a minimum grade on all streets, arterials, and thoroughfares of not less than 0.5%.

**L. Curb Radius.** The minimum curb radii for thoroughfares, collector streets, local streets and alleys shall be as follows:

Arterial & Collector Streets	50 feet
Local Streets	15 feet
Alleys	5 feet

**M. Reverse Curves.** Minimum design standards for collector and arterial streets shall comply to Minnesota State Aid Standards.

**N. Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the Council.

**O. Street Right-of-Way Width.** Street right-of-way widths shall generally conform with the following standards:

<u>Functional Classification</u>	<u>Jurisdictional Classification</u>	<u>Typ. Posted Speed (mph)</u>	<u>R.O.W. Typ.</u>
Regional Arterial	County	40-45 mph urban	80-150 feet
Regional Arterial	County	45-55 mph rural	120-150 feet for 4-lane
Local Arterial	City	30-40 mph urban	80-120 feet
Local Arterial	City	40-50 mph urbanizing	80-120 feet
Regional Collector	County	30-40 mph urban	80-120 feet
Regional Collector	County	40-45 mph urbanizing	80-120 feet
Regional Collector	County	45-55 mph rural	80-120 feet
Local Collector	City	30-40 mph urban	66-100 feet
Local Collector	City	40-50 mph urbanizing	66-100 feet
Local Street	City	30 mph	50-66 feet (varies)

**P. Access Management.** To provide access to land development while preserving safety, capacity, and operation of the transportation system.

<u>Functional Classification</u>	<u>Area Type</u>	<u>Intersection Spacing</u>		<u>Private Access</u>
		<u>Full Mvmt.</u>	<u>Condit. Mvmt.</u>	
Regional Arterial	Urban Core	300'-660' dep. on block length		Subj. to Condit.
Regional Arterial	Urban/Urbanizing	¼ mile	1/8 mile	By Exception
Regional Arterial	Rural	½ mile	¼ mile	Subj. to Condit
Local Arterial	Urban Core	300'-660' dep. on block length		Subj. to Condit.
Local Arterial	Urban/Urbanizing	¼ mile	1/8 mile	By Exception
Local Arterial	Rural	½ mile	¼ mile	Subj. to Condit
Regional Collector	Urban Core	300'-660' dep. on block length		Subj. to Condit
Regional Collector	Urban/Urbanizing	1/8 mile	Not Applic.	Subj. to Condit
Regional Collector	Rural	½ mile	¼ mile	Subj. to Condit
Local Collector	Urban Core	300'-660' dep. on block length		Subj. to Condit
Local Collector	Urban/Urbanizing	1/8 mile	Not Applic.	Subj. to Condit
Local Collector	Rural	½ mile	¼ mile	Subj. to Condit
Local Street	City	Not Applicable		Not Applicable

**Subd. 4. EASEMENTS.**

**A. Width and Location.** An easement for utilities at least ten feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

**B. Continuous Utility Easement Locations.** 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 after a public hearing.

**C. Guy Wires.** Additional easements for pole guys should be provided, where appropriate, 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.

**Subd. 5. EROSION AND SEDIMENT CONTROL.**

**A.** The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

**B.** Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

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

**D.** When soil is exposed, the exposure shall be for the shortest feasible period of time.

**E.** Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. Top soil shall be restored or provided to a minimum depth of six inches and shall be of a quality at least equal to the soil quality prior to development.

**F.** Natural vegetation shall be protected wherever practical.

**G.** Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system.

**Subd. 6. STORM DRAINAGE.** All subdivision design shall incorporate adequate provisions for storm water runoff and be subject to review and approval of the City Engineer.

**Subd. 7. PROTECTED AREAS.**

**A.** Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, water courses, floodable areas or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.

**B.** Based upon the necessity to control and maintain certain sensitive areas, the Council, based upon the review of the City Engineer, shall determine whether said protection will be accomplished through lot enlargement and redesign, or establishment of those sensitive areas in the form of outlots, or conservation easements.

**C.** In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the sub-divider shall be required to demonstrate that the proposed design will not require construction on slopes over 18%, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

**SEC. 30.14. PARK LAND – DEDICATION REQUIREMENTS.**

**Subd. 1. PURPOSE AND FINDINGS.**

**A.** Minnesota Statutes Section 462.358, Subd. 2b provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public, or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash.

**B.** The City Council Finds that:

1. The preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City. Further, the value and attractiveness of residential and commercial/industrial developments to landowners, developers, purchasers, employers, and employees is significantly enhanced by the presence of such parks and open space amenities.

2. New developments place a burden upon the City's parks and open space system. New facilities must be developed concurrently with development in order to maintain the current level of service and the quality of the environment for all. Therefore, new developments shall be required to contribute toward the City's park system in rough proportion to the relative burden they will place upon the park system, in order to maintain the existing level of service to the community.
3. Residential development of land creates approximately ninety (90) percent of the need for park and recreational land and facilities within the City.
4. Commercial/industrial development of land creates approximately ten (10) percent of the need for park and recreational land and facilities within the City.
5. Development of land for schools creates additional demand on the City's park and recreational land and facilities, to the extent that the school serves students who do not live within the City of Dundas.

**Subd. 2. DEDICATION REQUIRED.**

**A.** At the time of subdivision, the developer shall dedicate land for public use as parks, playgrounds, recreation facilities, trails, or public open space, in an amount equal to the development's proportional share of the City park system. Any land dedicated shall be in a location and of a character consistent with and suitable for meeting the needs identified by the City's Comprehensive Plan. Generally, land located within flood plains and/or wetlands shall not be accepted to meet the proportional share of required land dedication. The City may consider accepting ownership of these lands without giving credit for park dedication.

**B.** If the City Council determines that land is not needed in the area of the proposed subdivision, the City may alternatively require payment of an equivalent amount in cash. Any such cash payment shall be used for the acquisition and improvement of land for parks, playgrounds, trails, or public open space, or as otherwise provided by statute. The fair market value of the land shall be used to determine the cash payment required in lieu of land dedication, subject to the minimum payments required in Subd. 10.

**C.** If the City Council determines that land is needed in the development, but in a lesser amount than the required proportionate share, the Council may require payment of cash in lieu of land dedication based on a pro-rata share of the land dedication that otherwise would be required

**Subd. 3. PARKS COMMITTEE.** The parks committee shall recommend to the City Council, the land and/or cash contribution requirements for proposed subdivisions.

**Subd. 4. INCREASE IN DENSITY.** Any increase in density of subdivisions shall be reviewed by the parks committee for reconsideration of park land and/or cash contribution requirements.

**Subd. 5. OFFICIAL MAP / COMPREHENSIVE PLAN.** When a proposed park, playground, recreation area or other public ground has been indicated in the City's Official Map or Comprehensive Plan and is located in whole or in part within a proposed subdivision, it shall be designated as such on the plat and shall be conveyed to the City. If the sub-divider elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the City may consider acquiring the site through purchase or condemnation.

**Subd. 6. DENSITY REQUIREMENT.** Land area conveyed or dedicated to the City shall not be used in calculating density requirements of the City Zoning Ordinance and shall be in addition to and not in lieu of open space requirements for planned Unit developments.

**Subd. 7. PRIVATE OPEN SPACE.** Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas will not be used for credit against the land or cash dedication requirement for park and recreation purposes.

**Subd. 8. DEDICATION REQUIREMENT PRESUMPTIVELY APPROPRIATE.** The dedication requirements based on the development's proportional share of the City park system are presumptively appropriate. A sub-divider may request a deviation from the presumptive requirements based upon the anticipated impact of that particular subdivision. The request must be made to the City Council as part of an application before final plat approval.

**Subd. 9. LAND DEDICATION.**

**A. Residential.**

1. In residential subdivisions where a land dedication is required, the following formula will be used to determine the developments proportional share:

Density: Units Per Acre	Land Dedication Percentage
0 ... 4	10 percent
4+ - 8	13 percent
8 +	15 percent

2. When land dedication is required, a cash contribution for playground and recreation facilities, shall also be required:

Single family dwelling unit	\$200.00 per unit
Multi-family dwelling unit	\$150.00 per unit

**B. Commercial/Industrial.** In commercial or industrial subdivisions where a land dedication is required the following' formula will be used to determine the development's proportional share: five (5) percent of the gross area of land being platted.

**Subd. 10. CASH CONTRIBUTION.** In lieu of land dedication the City may require the following cash contribution, as a minimum:

Commercial	\$4,500.00 per acre of land being platted, but not less than \$300.00 per subdivision
Industrial	\$3,000.00 per acre of land being platted, but not less than \$300.00 per subdivision.
Multi-family dwelling units	\$ 1,200 per dwelling unit
Single-family dwelling units	\$1,500 per dwelling unit

**Subd. 11. FAIR MARKET VALUE.** "Fair market value" shall be determined as of the time of final subdivision approval in accordance with the following:

- A. The City and the developer may agree as to the fair market value; or
- B. The fair market value may be based, upon a current appraisal submitted to the City by the sub-divider at the sub-divider's expense. The appraisal shall be made by appraisers who are approved members of the SREA or MAI, or equivalent real estate appraisal societies.
- C. If the City disputes such appraisal the City may, at the sub-divider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.

**Subd. 12. PLANNED UNIT DEVELOPMENTS.** Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.

**Subd. 13. CALCULATION AND TIME OF PAYMENT.** Cash contributions are to be calculated at the time, of final subdivision approval. The Council may require the payment at the time of final subdivision approval or at a later time under terms agreed upon in the development agreement. Delayed payment shall include interest at a rate set by the City.

**Subd. 14. LIMITATIONS ON USE AND CASH CONTRIBUTIONS.** Cash contributions shall be deposited in the park dedication fund and shall only be used for the acquisition of land for the purposes set forth in Subd. 1 of this section, and the planning and development of land for such purposes.

**Subd. 15. PREVIOUSLY PLATTED PROPERTY.** Property being subdivided without an increase in the number of lots shall be exempt from park and trail dedication requirements if similar requirements were satisfied in conjunction with an earlier subdivision. If the number of lots is increased, then the dedication shall be based on the additional lots created.

**Subd. 16. OUTLOTS.** In plats that include outlots for future development, the sub-divider may pay to the City if the development's proportional share for the entire subdivision, including the outlots, or if the development's proportional share, excluding such outlots, provided that the dedication requirement shall be satisfied when such outlots are replatted."

## **SEC. 30.15. REQUIRED BASIC IMPROVEMENTS.**

### **Subd. 1. GENERAL PROVISIONS.**

- A. Before a Final Plat is delivered by the City to the sub-divider, the sub-divider of the land covered by said Plat shall pay all applicable fees and execute and submit to the Council a developer's agreement which shall be binding on his/her or their heirs, personal representatives and assigns, a part of which agreement shall be set forth that the sub-divider will cause no private construction to be made on the lands within said Plat, nor shall the sub-divider file or cause to be filed any application for building permits for such construction until all improvements required under this Chapter have been made or arranged for in the manner and conforming to the requirements as set forth herein, or as may be otherwise set forth in the Developer's Agreement.

**B.** Prior to the delivery of the approved Final Plat, the sub-divider shall deposit with the City Treasurer an amount equal to a minimum of 125% of the City Engineer's estimated cost of the required improvements (including engineering, legal, and fiscal costs) within the plat, either in a cash escrow fund, or acceptable letter of credit. The surety involved in said financial guarantees shall be approved by the City. The said surety shall be conditioned upon:

**1.** The making and installing of all of the improvements required by the terms and conditions set forth by the City within one year, or as otherwise set forth in the Developers Agreement.

**2.** Satisfactory completion of the work and payment therefor, which work was undertaken by the sub-divider in accordance with the developer's agreement referred to above.

**3.** The payment by the sub-divider to the City of all expenses incurred by the City, which expenses shall include, but not be limited to, expenses for engineering, fiscal, legal, construction and administration. In instances where a cash escrow is submitted in lieu of a letter of credit or performance and indemnity bond, there shall be a cash escrow agreement which shall provide that in the event the required improvements are not completed as set forth in the Development Agreement, all amounts held under the surety agreement shall be automatically turned over and delivered to the City and applied by the City to the cost of completing the required improvements. If the funds available within said surety agreement are not sufficient to complete the required improvements, the necessary additional cost to the City shall be assessed against the subdivision. Any balance remaining in the surety fund after such improvements have been made and all expenses therefore have been paid, shall be returned to the sub-divider. In instances where a letter of credit is used in lieu of a cash escrow or performance and indemnity bond, the said letter of credit shall be in a form satisfactory to the City and the terms thereof shall substantially comply with the procedure as set forth for a cash escrow fund.

**C.** No Final Plat shall be approved by the Council without first receiving a report signed by the City Engineer and the City Attorney certifying that the improvements described therein together with the agreements and documents required under this Section, meet the requirements of the City. The City Treasurer shall also certify that all fees required to be paid to the City in connection with the plat have been paid.

**D.** The City shall, where appropriate, require of a sub-divider submission of a warranty/maintenance bond in the amount equal to the original cost of the improvements, which shall be in force for one year following the final acceptance of any required improvements, and shall guarantee satisfactory performance of the said improvements.

**E.** Reproducible "record drawings" as set forth in the City requirements for Record Drawings, and as required by the City Engineer, shall be furnished to the City by the sub-divider for all required improvements. Such "record drawings" shall be certified to be true and accurate by the licensed engineer responsible for the installation of the improvements.

**F.** All of the required improvements to be installed under the provisions of this Section shall be approved by and subject to the inspection of the City Engineer. All of the City's expenses incurred as the result of the required improvements shall be paid either directly, indirectly or by reimbursement to the City by the sub-divider.

**Subd. 2. MONUMENTS.**

- A.** Official monuments, as designated and adopted by the Rice County Surveyor's Office and approved by the Rice County District Court for use as judicial boundary of the Final Plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.
- B.** Pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, State, County or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.
- C.** To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall be required. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy.

**Subd. 3. STREET IMPROVEMENTS.**

- A.** The full width of the right-of-way shall be graded, in accordance with the provisions for construction as outlined in Section 30.13, Design Standards.
- B.** All streets shall be improved in accordance with the standards and specifications for street construction as established by the City.
- C.** All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as established by the City. The portion of the right-of-way outside the area surfaced shall be sodded or otherwise surfaced by the developer if deemed necessary by the City Engineer.
- D.** Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the Council.
- E.** The grade and drainage requirements for each plat shall be reviewed and subject to the approval of the City Engineer at the expense of the applicant. Every plat presented for final signature shall be accompanied by a Certificate of the City Engineer that the grade and drainage requirements have been met. In an area not having municipal storm sewer trunk, the applicant shall be responsible, before platting, to provide for a storm water disposal plan, without damage to properties outside the platted area, and said storm water disposal plan shall be submitted to the City Engineer, who shall report to the Council on the feasibility of the plan presented. No plat shall be approved before an adequate storm water disposal plan is presented and approved by the City Engineer and Council. The use of dry wells for the purpose of storm water disposal is prohibited. In the event that there is not an approved overall storm water disposal plan, an escrow account on a per unit charge for future installation shall be established by the applicant and held by the City.
- F.** All landscaping, to include trees and boulevard sodding, shall be planted in conformance with the Landscaping Plans, and the standards and specifications established by the City.



**G.** Street and traffic control signage of the design approved by City shall be installed at each street intersection, or as otherwise directed.

**H.** Driveway approaches and sidewalks of a standard design, or pedestrian pathways as may be required by the Council shall be installed.

**I.** Street lighting system and fixtures as may be required by the City, shall be installed.

**Subd. 4. SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS.**

**A.** Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as required by the Council and subject to the approval of the City Engineer.

**B.** Where City sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of individual water and sewer systems in accordance with all appropriate State and local regulations.

**Subd. 5. PUBLIC UTILITIES.** Telephone, cable, electric and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City Code provisions.

**Subd. 6. ELECTION BY CITY TO INSTALL IMPROVEMENTS.** In accordance with City policy, the City normally assumes the responsibility to install all required improvements except that the City reserves the right to allow or require the sub-divider to install all or any part of the improvements required under the provisions of this Chapter, pursuant to MSA 429, as may be amended.

**Subd. 7. RAILROAD CROSSINGS.** No street dedications will be accepted which require a crossing of a railroad unless sufficient land as determined by the Council is dedicated to insure safe sight distance conditions.

**SEC. 30.16. NON-PLATTED SUBDIVISION.**

**Subd. 1. REGISTERED LAND SURVEYS.** It is the intention of this Chapter that all registered land surveys in the City should be presented to the Planning Commission in the form of a Preliminary Plat in accordance with the standards set forth in this Chapter for preliminary plats and that the Planning Commission shall first approve the arrangement, sizes, and relationships of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless a recommendation and approval have been obtained from the Planning Commission and Council respectively, in accordance with the standards set forth in this Chapter, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.

<sup>18</sup> **Subd. 2. CONVEYANCE BY METES AND BOUNDS.** No division of one or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are five (5) acres or less in area and three hundred (300) feet or less in width unless such parcel was a separate parcel of record at the effective date of this Chapter or created by an administrative subdivision in Section 30.09. Building permits shall be withheld for buildings or tracts which have been subdivided and conveyed by this method, and the City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts.

## **SEC. 30.17. VARIANCES, PLANNING COMMISSION RECOMMENDATIONS, STANDARDS.**

**Subd. 1. FINDING.** The Planning Commission may recommend a variance from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Commission shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its recommendations, the Planning Commission shall take into account 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. A variance shall only be recommended when the Planning Commission finds:

- A.** That there are special and highly unique circumstances or conditions affecting said property which are not common to other properties in the City and that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable and minimum use of his land;
- B.** That the granting of the variance will not be detrimental to the public health, welfare or injurious to other property in the territory in which property is situated;
- C.** That the variance is to correct inequities resulting from an extreme hardship limited to topography, soils or other physical factors of the land.

After considerations of the Planning Commission recommendations, the Council may grant variances, subject to the finding that a hardship exists according to Subparagraphs A, B and C above.

### **Subd. 2. PROCEDURES.**

- A.** Requests for a variance or appeal shall be filed with the City Clerk on an official application form. Such application shall be accompanied by a fee as established by Council resolution. Such application shall also be accompanied by ten copies of detailed written and graphic materials necessary for the explanation of the request.
- B.** Upon receiving said application, the City Clerk shall refer the application, along with all related information, to the Planning Commission for a report and recommendation to the Council.
- C.** City staff shall submit a report and recommendation to the Commission. The final report and recommendations of the City staff shall be entered in and made part of the permanent written record of the Planning Commission meeting.
- D.** The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning the variance or to retain expert testimony with the consent and at the expense of the applicant concerning said variance where said information is declared necessary to insure preservation of health, safety and general welfare.
- E.** The Planning Commission shall request the City Clerk to set a date for a public hearing. Notice of such hearing shall be published in the official newspaper at least ten days prior to said hearing, and individual notices shall be mailed not less than ten days nor more than thirty days prior to the hearing to all owners of property within 350 feet of the parcel included in the request.
- F.** Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth in this Chapter.

**G.** The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff.

**H.** The City Council shall place the report and recommendation on the agenda for the next regular meeting.

**I.** Upon receiving the report and recommendation of the Planning Commission and City staff, the Council shall make a recorded finding of fact and impose any condition it considers necessary to protect the public health, safety and welfare.

**J.** A variance of this Chapter shall be by majority vote of the entire Council.

**SEC. 30.18. MISREPRESENTATION AS TO CONSTRUCTION, SUPERVISION, OR INSPECTION OF IMPROVEMENTS.** It is unlawful for any person owning an addition or subdivision of land within the City, to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.

**SEC. 30.19. VIOLATION A MISDEMEANOR.** Any person who violates a section, subdivision, paragraph, or provision of this section 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.