

Chapter 30

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ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means any dedicated public right-of-way providing a secondary means of access to abutting property.

Applicant means the owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Arterial, minor, means a road intended to move traffic through and from adjacent subregions and activity centers within subregions.

Attorney means the attorney employed by the city unless otherwise stated.

Best Management Practices (BMPs) means the most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means of to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies.

Block means the enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

Bond means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the city council. All bonds shall be approved by the city council wherever a bond is required by these regulations.

Boulevard means the portion of the street right-of-way between the curblines and the property line.

Building means and includes a structure; the term "building" or "structure" includes any part thereof.

Butt lot means a lot at the end of a block and located between two corner lots.

Cluster development means a pattern of subdivision development which places detached houses, duplexes or townhouse units into compact groupings while providing a network of commonly owned or dedicated open space.

Collector street or road means a road intended to move traffic from local roads to secondary roads.

Community means the city.

Comprehensive development plan means a comprehensive plan prepared by the city including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the city and includes any unit or part of such plan or parts thereof.

Contour map means a map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Copy means a print or reproduction made from a tracing.

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Corner lot means a lot bordered on at least two adjacent sides by using streets.

County means Washington County, Minnesota.

Cul-de-sac means a minor street with only one outlet and having a turnaround.

Developer means the owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Development means the act of building structures and installing site improvements.

Dewatering means the removal of water for construction activity. It can be a discharge of appropriated surface or ground water to dry and/or solidify a construction site. It may require Minnesota department of natural resources permits to be appropriated and if contaminated may require other MPCA permits to be discharged.

Double frontage lots means a lot of record on December 7, 1982, having frontage on two (2) streets which do not intersect at a corner of the lot.

Drainage course means a watercourse or indentation for the drainage of surface water.

Easement means a grant by an owner of land for a specific use by persons other than the owner.

Engineer means the registered engineer employed by the city unless otherwise stated.

Erosion means any process that wears away the surface of the land by the action of water.

Erosion control means the methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Escrow means a deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the city/administrator in a separate account.

Final plat means the map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Final stabilization means:

A. All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed;

B. For individual lots in residential construction by either: 1) the homebuilder completing final stabilization as specified above, or 2) the homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to final stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or

C. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria in subsection A or B of this definition.

Grade means the slope of a road, street, or other public way, specified in percentage terms.

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Impervious surface means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Individual sewage disposal system means a sewage treatment system or part thereof, serving a dwelling or other establishment, or group thereof, consisting of one or more septic tanks and a soil treatment system.

Land disturbing or development activities means any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

Local road or street means a road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot means a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

Lot, corner, means a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Major subdivision means all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of three or more lots, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements.

Marginal access street (service road) means a minor street parallel to and adjacent to high volume arterial streets and highways, which provide access to abutting properties and protection of through traffic.

Metes and bounds means a method of describing land by measure of length (metes) of the boundary lines (bounds). Most common method is to recite direction and length of each line as one would walk around the perimeter. In general, the metes and bounds can be recited by reference to record, natural or artificial monuments at the corners; and by reference to record, natural or cultural boundary lines.

Minimum subdivision design standards means the guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Minor subdivision means any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the master plan, official map, chapter 32, or these regulations.

National Pollutant Discharge Elimination System (NPDES) means the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the clean water act (sections 301, 318, 402, and 405) and United States Code of Federal Regulations title 33, sections 1317, 1328, 1342, and 1345.

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

Nonresidential subdivision means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

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Outlot means a parcel of land included in a plat, of which the use or development is restricted. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of zoning and subdivision chapters or otherwise unsuitable for development and therefore not usable as a building site. A recorded plat development shall specify restrictions on such lot.

Owner means an individual, firm, association, syndicate, copartnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Pedestrian way means a public right-of-way across or within a block, to be used by pedestrians.

Perimeter control means a barrier that prevents sediment from leaving a site by filtering sediment laden runoff or diverting it to a sediment trap or basin

Preliminary plat means the preliminary drawing, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the city council for approval. The preliminary plat shall contain data required as outlined in division 2 of article II of this chapter.

Private street means a street serving as vehicular access to two or more parcels of land and which is not dedicated to the public but is owned by one or more private parties.

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

Reserve strips means a narrow strip of land placed between lot lines and streets to control access.

Resubdivision means a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way means the land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.

Road, dead-end, means a road or a portion of a street with only one vehicular traffic outlet.

Sediment means the product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.

Sediment control means the measures and methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Sketch plan means a drawing showing the proposed subdivision of property. This plan shall be drawn to scale.

Sketch plat means a sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the city and planning department as to the form of the plat and the objectives of these regulations.

Stormwater is defined under Minnesota rules 7077.0105, subp. 41(b), and includes precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.

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Street means a way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, court, or otherwise designated.

Street width means the shortest distance between the lines delineating the right-of-way of a street.

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

Subdivision means the division of a parcel of land after the effective date of the ordinance from which this chapter is derived into two or more lots or parcels, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Survey, land, means the process of determining boundaries and areas of tracts of land. The term cadastral survey is sometimes used to designate a land survey, but in this country its use should be restricted to the surveys of public lands of the United States. Also called property survey; boundary survey.

Surveyor means a land surveyor registered under Minnesota state laws.

Thoroughfare means a street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.

Used or occupied, as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Vicinity map means a map drawn to comparatively small scale which definitely shows the area proposed to be platted in relation to known geographical features, e.g., town centers, lakes, roads.
(Ord. No. 1996-01, §§ 301.01, 301.03, 302, 10-22-1996)

Sec. 30-2. Conflicting provisions.

In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.
(Ord. No. 1996-01, § 301.04, 10-22-1996)

Sec. 30-3. Enforcement.

(a) *Building permits.* No building permit shall be issued for any construction, enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of this regulation have been fully met.

(b) *Notice of Violation.* When the City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property the notice of violation shall contain:

- (1) The name and address of the owner of applicant;
- (2) The address when available or description of the land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
- (6) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 15 days of receipt of the notice of violation.

(c) *Stop Work Order.* Persons receiving a Stop Work Order will be required to halt all construction activities immediately. This Stop Work Order will be in effect until the city confirms that the land disturbing

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activity is in compliance and the violation has been satisfactorily addressed. Failure to address a Stop Work Order in a timely manner may result in consequences as described the following section.

(d) *Violation and penalties.* Any firm, person or corporation who violates any of the provisions of these regulations, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with shall be guilty of a misdemeanor and upon conviction thereof shall be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. 1996-01, § 10, 10-22-1996 Ord. No. 2015-38,

Sec. 30-4. Purpose.

(a) The process of dividing raw land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any community. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into urban lots, and the streets, homes, and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public service must be provided. The welfare of the entire community is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper standards.

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

- (1) Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- (2) Provide for the health and safety of residents by requiring properly designed streets and adequate individual sewage treatment facilities.
- (3) Place the cost of improvements against those benefiting from their construction.
- (4) Secure the rights of the public with respect to public lands and waters.
- (5) Set the minimum requirements necessary to protect the public health, safety, comfort, convenience, and general welfare.

(Ord. No. 1996-01, § 1, 10-22-1996)

Sec. 30-5. Scope.

The rules and regulations governing plats and subdivision of land contained herein shall apply within the city and other land as permitted by state statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between the city and other municipalities concerned. Except in the case of resubdivision, this chapter shall not apply to any lot forming a part of a subdivision recorded in the office of the county recorder prior to the 1972 effective date of the first county subdivision ordinance, nor is it intended by this chapter to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this chapter, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants governing the land. Where this chapter imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

(Ord. No. 1996-01, § 2, 10-22-1996)

Sec. 30-6. Variances.

- (a) *Conditions.* The city council may grant a variance in any particular case where the subdivider can

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show that by reason of the exceptional topography or other physical conditions the strict compliance to these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right. Such relief may be granted provided there is no detriment to the public welfare and no impairment of intended purpose of this regulation.

(b) *Application.* Application for any such variance shall be made in writing by the subdivider at the time when the plat is filed for consideration. Such application shall state fully all facts relied upon by the subdivider, and shall be supplemented with maps, plans or other additional data which may aid the city council in the analysis of the proposed project. Such variances shall be considered at the next regular meeting held by the city council. The plans for such development shall include any covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the proposed plat. Any variance or modifications thus granted shall be recorded and entered in the minutes setting forth the reasons for granting the variance.

(Ord. No. 1996-01, § 911, 10-22-1996)

State Law References: Variance from subdivision regulations, Minn. Stats. § 462.358, subd. 6.

Sec. 30-7. Land with unapproved or lack of surveys or plats.

(a) *Conveyance restrictions.* No conveyance of land to which these regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961, or to an unapproved plat.

(b) *Exemptions.* Subsection (a) of this section does not apply to a conveyance if the land described:

- (1) Was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter;
- (2) Was the subject of a written agreement to convey entered into prior to such time;
- (3) Was a separate parcel not less than 2 1/2 acres in area and 150 feet in width on January 1, 1966;
- (4) Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980;
- (5) Is a single parcel of commercial or industrial 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; or
- (6) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 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 20 acres in area or 500 feet in width.

(c) *Waiver for hardship.* In any case in which compliance with the foregoing restrictions will create an unnecessary hardship, and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance.

(d) *Penalty.* Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this chapter shall pay to the municipality a penalty (no criminal sanction) 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.

(Ord. No. 1996-01, § 910, 10-22-1996)

Sec. 30-8. Security interest.

Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property

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to subdivision even in the event of foreclosure of the security interest, unless otherwise approved by the city council and the parcel is in conformance with this chapter and chapter 32, pertaining to zoning. (Ord. No. 1996-01, § 912, 10-22-1996)

Sec. 30-9. Minor subdivisions.

- (a) *Application of regulations; requirements for approval.*
 - (1) In the case of a subdivision resulting in two or less parcels situated in a locality where conditions are well defined, the city council may exempt the subdivider from complying with some of the requirements of these regulations.
 - (2) In the case of a request to subdivide a lot which is a part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create not more than two new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or chapter 32, pertaining to zoning, the division may be approved by the city council after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.
 - (3) The newly created parcels shall meet all requirements of chapter 32, pertaining to zoning. Topographic data at two-foot contour intervals, driveway access points, drainage plans, and soil tests for the installation of an on-site septic system shall be submitted for minor subdivision review. A certificate of survey shall be prepared by a registered land surveyor showing the boundaries of the newly created lots, limits of any wetland, one acre of buildable area, elevation of building site above any lake, stream, wetland, etc.
 - (4) Prior to approval of a minor subdivision, the city council reserves the right to require the dedication of streets, utility easements.
 - (5) A maximum of two lots in a five-year period are permitted utilizing the minor subdivision procedure.
 - (6) In cases where the new lot and resulting lots created exceed 20 acres and have 500 feet of frontage on a public road, subdivision approval is not required.
- (b) *Procedure to propose subdivision.*
 - (1) Any proposed minor subdivision which includes land 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 county recorder shall first be presented to the commissioner of transportation for his written comments and recommendations.
 - (2) Where any minor subdivision includes land abutting upon an existing or established county or county state-aid highway, it shall first be submitted to the county engineer for his written comments and recommendations.
 - (3) Minor subdivision involving both a trunk highway and a highway under county jurisdiction shall be submitted to the commissioner of transportation and the county highway engineer.
 - (4) Plats shall be submitted for review at least 30 days prior to the city taking final action on the minor subdivision. The commissioner of transportation and/or the county highway engineer shall submit the written comments and recommendations to the city within 30 days after receipt by them of such a plat.
 - (5) Final action on such a plat by the city shall not be taken until after these required comments and recommendations have been received or until the 30-day period has elapsed. A legible preliminary

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drawing or print of a proposed minor subdivision shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing:

- a. The outlet for and means of disposal of surface waters from the proposed subdivided area;
- b. The land use designation or zoning category of the proposed subdivided area;
- c. The locations of ingress and egress to the proposed subdivided area; and
- d. A preliminary site plan for the proposed subdivided area, if one has been prepared.

(c) *Certification and other requirements.* Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the plat or the platting of said lands. A certificate or other evidence shall be required to or upon the plat for filing in the office of the county recorder or registrar of titles as to the submission of or the obtaining of such written comments and recommendations. The city shall provide the certificate or other evidence to the county recorder or registrar of titles.

(Ord. No. 1996-01, § 905, 10-22-1996)

Sec. 30-10. Resubdivision/rearrangement.

(a) *Restrictions on subdividing and rearranging parcels.* Land which is located within a recorded plat shall not be resubdivided and/or rearranged into smaller parcels except as stated in this section.

(b) *Increase in density not allowed.* Land which is located within a recorded plat may be resubdivided and/or rearranged unless said resubdivision or rearrangement would result in an increase in the density of the plat as a whole.

(c) *Prior right established.* Notwithstanding subsection (a) of this section, land within a recorded plat may be resubdivided or rearranged if, at the time of the recording of the original plat, the plat, development agreement, or other written and recorded document, signed by the city, specifically reserved the right to resubdivide and/or rearrange land within that plat.

(d) *Compliance with regulations.* All applications for the resubdivision and/or rearrangement of a recorded plat must follow all city ordinances for the resubdivision of land. The proper procedure to follow pursuant to city ordinances shall be based upon the total number of new lots proposed to be created and/or rearranged pursuant to said application for resubdivision and/or rearrangement.

(Ord. No. 1996-01, § 906, 10-22-1996; Ord. No. 1996-72, § A, 8-6-1996)

Sec. 30-11. Land division, special cases.

(a) *Proposed divisions not elsewhere addressed.* In any case where the division of land into two or more lots or parcels for the purpose of transfer of ownership or building improvement is not specifically provided for in the provision of these regulations, a description of such land division shall be filed with the clerk. No building permit shall be issued for any construction, enlargement, alteration, or repair, demolition or moving of any building or structure on any lot or parcel resulting from such division, until such division has been approved by the city council. Prior to the consideration of such division, the city council shall require that a certified survey be submitted.

(b) *Exchange of lands.* In cases where adjoining contiguous property owners wish to exchange or otherwise divide land with the intent of enlarging one of the parcels and as a result of such division neither parcel will be nonconforming in accordance with chapter 32, pertaining to zoning, approval must be obtained from the city council following the minor subdivision process. Some of the requirements for minor subdivision approval may be waived; however, the newly acquired land must be combined on the deed for recording purposes with the remainder

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of the owner's property.
(Ord. No. 1996-01, § 907, 10-22-1996)

Sec. 30-12. Registered land surveys.

All registered land surveys shall be filed subject to the same procedure as required for the filing of a plat for platting purposes. The standards and requirements set forth in these regulations shall apply to all registered land surveys.
(Ord. No. 1996-01, § 908, 10-22-1996)

Sec. 30-13. Conveyance by metes and bounds; building permit requirement.

(a) Conveyance by metes and bounds shall be permitted only in minor subdivision after submission of a survey and on parcels at least 20 acres in area with no less than 500 feet of frontage on a public road.

(b) No building permit shall be issued for any structure on any parcel of land less than 20 acres in area and having a width of less than 500 feet on an improved public road until a subdivision has been approved by the city council in accordance with the regulations of this chapter and chapter 32, pertaining to zoning, and the parcel is recorded with the county recorder.

(c) When a conveyance is made by metes and bounds, no building permit shall be issued until a survey is submitted and the parcel is recorded with the county recorder's office. A survey is not required for parcels in excess of 20 acres.
(Ord. No. 1996-01, § 909, 10-22-1996)

Sec. 30-14. Protection of natural features.

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

(b) Subdivision review shall be coordinated with the requirements and procedures for environmental assessment and impact statements contained in chapter 32, pertaining to zoning. Any mandatory environmental assessment worksheet or impact statement as required by the state environmental quality board regulations shall be submitted as part of the application for preliminary plat approval.
(Ord. No. 1996-01, § 901, 10-22-1996)

Sec. 30-15. Planned unit developments.

A planned unit development (PUD), as defined in the chapter 32, pertaining to zoning, is prohibited.
(Ord. No. 1996-01, § 904, 10-22-1996; Ord. No. 2005-117, § 2, 11-1-2005)

Sec. 30-16. Incorporation by reference.

- (a) The following are incorporated into this chapter by reference:
- (1) The Grant comprehensive plan.
 - (2) The National Pollutant Discharge Elimination System Permit, MN R100001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, August 1, 2013, as amended.
 - (3) The Grant Engineering and Design Guidelines document.

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- (4) The Rules of the Valley Branch Watershed District, as amended, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.
- (5) The Rules of the Rice Creek Watershed District, as amended, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.

Secs. 30-17--30-33. Reserved.

ARTICLE II. PLATTING

DIVISION 1. GENERALLY

Sec. 30-34. Sketch plan.

(a) In order to ensure that all applicants are informed of the procedural requirements and standards of this article, and the requirements or limitations imposed by city ordinances and the comprehensive plan, all applicants shall submit to the city planner and the planning staff a sketch plan prior to preparing a preliminary plat.

(b) The sketch plan shall be drawn to scale and contain as a minimum the following information:

- (1) Tract boundaries and dimensions.
- (2) Significant topographic and physical features.
- (3) Proposed general street and lot layout.
- (4) General location of proposed public and private open space areas.
- (5) General drainage plan.
- (6) Existing easements
- (7) Existing buildings.

(Ord. No. 1996-01, § 401, 10-22-1996)

Secs. 30-35--30-56. Reserved.

DIVISION 2.

PRELIMINARY PLAT

Sec. 30-57. Preparation and submission.

(a) When the subdivider feels he is ready to prepare the preliminary plat, he shall have his surveyor and/or planner prepare one which is in conformity with the requirements of this division.

(b) The subdivider shall fill out a zoning request application, or other applicable forms as may be required.

(c) The subdivider shall furnish the city clerk with 23 copies of the preliminary plat and provide seven copies to the county surveyor's office.

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(d) The subdivider shall furnish copies to appropriate permitting agencies such as the watershed district, watershed management organization, state department of natural resources, county and state transportation agencies, and other agencies as may be required.

(e) If the owner and developer are not the same, a consent of owner shall be filed.
(Ord. No. 1996-01, § 402, 10-22-1996)

Sec. 30-58. Data required.

(a) *Identification and description.*

- (1) Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county.
- (2) Legal description of property.
- (3) Name and address of the record owner, and any agent having control of the land, subdivider, land surveyor, engineer and designer of the plan.
- (4) Plat graphic scale shall be not less than one inch to 200 feet, and grading plan graphic scale not less than one inch to 100 feet on plat/plan sheet paper sized to either 20 inches by 30 inches, 22 inches by 34 inches or 24 inches by 36 inches.
- (5) North point and vicinity map of area showing well-known geographical points for orientation within a one-half mile radius.
- (6) List of adjoining property owners within 1,250 feet of the proposed plat.
- (7) Date of preparation.

(b) *Existing conditions.*

- (1) Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the plat in that no major changes are necessary in preparing the final plat.
- (2) Existing zoning classifications for land in and abutting the subdivision.
- (3) Approximate total acreage.
- (4) Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements, and section, corporate and school district lines shown within the plat and to a distance 100 feet beyond shall also be indicated.
- (5) Location and size of existing sewers, water mains, culverts, wells, septic systems, or other underground facilities within the preliminary plat area and to a distance of 100 feet beyond. Such data as grades, and locations of catchbasins, manholes, hydrants, and street pavement width and type shall also be shown.
- (6) Boundary lines of adjoining unsubdivided or subdivided land within 100 feet, identified by name and ownership, but including all contiguous land owned or controlled by the subdivider.
- (7) Topographic data, including contours at vertical intervals of not more than two feet, except where the horizontal contour interval is 100 feet or more a one-foot vertical interval shall be shown. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. National Geodetic Vertical Datum

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1929 Adjustment shall be used for all topographic mapping.

- (8) A copy of all proposed private restrictions shall be submitted.
 - (9) In areas where public sewer is not available, four soil borings shall be completed on each lot with results being submitted to the city building inspector. If it appears soil may not be suitable on any lot for the installation of an on-site septic system, additional borings and percolation tests may be required.
 - (10) Soil types and location of limits of each soil type as shown in the Soil Survey of Washington County.
 - (11) All slopes in excess of 12 percent shall be delineated.
 - (12) If severe soil limitations for the intended use are noted in the soil survey on file in the county planning department and the county soil and water conservation district office, a plan or statement indicating the soil conservation practices to be used to overcome said limitation shall be made part of the permit application.
 - (13) On all lakes, ponds, and wetlands, all water surface elevations, natural ordinary high elevation, and present and proposed 100-year flood elevations shall be denoted. The lowest floor elevation for each lot shall be indicated and shall be at least two feet above the 100-year flood elevation or two feet above the water body outlet, whichever is higher, and at least four feet above the groundwater elevation.
- (c) *Subdivision design features.*
- (1) Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the provisions of chapter 24, article III.
 - (2) Locations and widths of proposed alleys, pedestrian ways and utility easements.
 - (3) Lot and block numbers and preliminary dimensions of lots and blocks and the area of each lot.
 - (4) Proposed front, side, and rear building setback lines.
 - (5) Gradients of proposed streets. Plans and profiles showing locations and typical cross sections of street pavement including ditches, curbs, gutters, sidewalks, drainage easements, service rights-of-way, manholes and catchbasins.
 - (6) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas in acres.
 - (7) Grading and drainage plan for entire subdivision. If any fill or excavation is proposed in a wetland or lake, approval must be obtained from the state department of natural resources and Army Corps of Engineers or watershed or water management organization, county soil and water conservation district, or other permitting authority that has jurisdiction.
 - (8) Erosion and sediment control plan.
 - (9) Stormwater management plan.
- (d) *Other information required.*
- (1) Statement of the proposed use of lots stating type of residential buildings with the number of

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proposed dwelling units and type of business or industry so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

- (2) Source of water supply.
- (3) Provisions for sewage disposal, surface water drainage and flood control.
- (4) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
- (5) Such other information as may be requested by the engineer, planning staff, city planning commission, or city council.
- (6) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the city council may require that the subdivider submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use.

(Ord. No. 1996-01, § 501, 10-22-1996; Ord. No. 2015-38, 3-3-2015)

Sec. 30-59. Review and approval.

(a) *Distribution of application and plat to city officials.* The city clerk shall, upon receipt of the plat and application, refer one copy of the plat and application to each member of the city council and planning commission, and one copy of the plat to the city attorney, engineer, and planner. One copy of the plat shall also be referred to the county planning coordinator and one copy of the plat to the school district.

(b) *Presentation to commissioner of transportation.* Any proposed 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 county recorder shall first be presented to the commissioner of transportation for his written comments and recommendations.

(c) *Submission to county engineer.* Where any preliminary plat includes land abutting upon an existing or established county or county state-aid highway, it shall first be submitted to the county engineer for his written comments and recommendations.

(d) *Submission to commissioner and county engineer.* Preliminary plans involving both a trunk highway and a highway under county jurisdiction shall be submitted to the commissioner of transportation and the county highway engineer.

(e) *Time frame for submission, comments and action.* Plats shall be submitted for review at least 30 days prior to the city taking final action on the preliminary plat. The commissioner of transportation and/or the county highway engineer shall submit the written comments and recommendations to the city within 30 days after receipt by them of such a plat. Final action on such plat by the city shall not be taken until after these required comments and recommendations have been received, or until the 30-day period has elapsed.

(f) *Plat and information requirements.* A legible preliminary drawing or print of a proposed preliminary plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing:

- (1) The outlet for and means of disposal of surface waters from the proposed platted area;
- (2) The land use designation or zoning category of the proposed platted area;
- (3) The locations of ingress and egress to the proposed platted area; and

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(4) A preliminary site plan for the proposed platted area, if one has been prepared.

(g) *Certification and other information.* Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title of the lands included in the plat or the platting of said lands. A certificate or other evidence shall be required to or upon the plat for filing in the office of the county recorder or registrar of titles as to the submission of or the obtaining of such written comments and recommendations. The city shall provide the certificate or other evidence to the county recorder or registrar of titles.

(h) *Recommendations.* The engineer, school board, county planning coordinator, and the district highway engineer, if appropriate, shall within 30 days submit reports to the city council expressing recommendations for approval, disapproval or revisions. If no report is received within 30 days, it will be assumed by the planning commission that there are no objections to the plat as submitted.

(i) *Public hearing.* After the preliminary plat is filed and application fees are paid, the planning commission must hold a public hearing on the subdivision. Notice of the purpose, time, and place of such public hearing shall be published in the official newspaper at least ten days prior to the day of hearing.

(j) *Conditions placed by city council.* The city council may require modifications, changes and revisions of the preliminary plat, as it deems necessary to protect the health, safety, morals, comfort, convenience and general welfare of the city.

(k) *Reasons for disapproval.* If the preliminary plat is not approved by the city council, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant.

(l) *Amendment to plat.* Should the subdivider desire to amend the plat as approved, he may submit an amended plat which shall follow the same procedure as a new plat, except for the public hearing and fee, unless the amendment is, in the opinion of the city council, of such scope as to constitute a new plat; then it shall be refiled.

(m) *Other approvals required.* Any plat proposed in a shoreland district must have approval of the state department of natural resources. If a watershed district, or water management organization exists in the area of the proposed platted property, approval must be obtained from those agencies.
(Ord. No. 1996-01, § 403, 10-22-1996)

State Law References: Review of plats, Minn. Stats. § 462.358, subd. 3b.

Secs. 30-60--30-76. Reserved.

DIVISION 3.

FINAL PLAT

Sec. 30-77. Preparation and submission.

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

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

(c) *Compliances required.* All plats shall comply with the provisions of state statutes, the standard procedures for platting in the county, and the requirements of this article.

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(d) *Time limit.* The subdivider shall submit ten copies of the final plat to the city clerk not later than one year after the date of approval of the preliminary plat. The approval of the preliminary plat will be considered void after one year unless an extension is requested in writing by the subdivider and granted by the city council.

(e) *Title opinion required.* The subdivider shall submit, with the final plat, an opinion of title by the subdivider's attorney.

(Ord. No. 1996-01, § 404, 10-22-1996)

State Law References: Effect of preliminary plat approval, Minn. Stats. § 462.358, subd. 3c.

Sec. 30-78. Compliance requirements.

The final plat shall be prepared by a land surveyor who is registered in the state and shall comply with the provisions of state statutes, this article and the manual of Standard Procedures for Platting in Washington County. (Ord. No. 1996-01, § 502, 10-22-1996)

Sec. 30-79. Review and approval.

(a) *Review by county surveyor.* After attaining approval of the preliminary plat, the subdivider shall submit ten copies of the final plat along with plat checking fee to the county surveyor for review by the county surveyor. This shall be within one year after the date of approval of the preliminary plat.

(b) *Preapproval requirements.* Prior to approval of the final plat approved by the city council, the subdivider must have installed all required improvements or executed an agreement with the city for their installation. Required improvements shall conform to approved engineering standards and be in compliance with these regulations.

(c) *Disapproval by council.* If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings and transmitted to the subdivider.

(d) *Approval by surveyor.* The final plat must be approved by the county surveyor in accordance with the Standard Procedures for Platting in Washington County.

(e) *Recording after approval.* Upon receiving final plat approval by the city council, the subdivider shall then record it with the county recorder within 120 days or the approved plat shall be considered void.

(f) *Subsequent approvals.* Upon receiving approval of the final plat for a portion of the approved plat, the subdivider shall not be required to request a continuation of the recognition of the plat so as to maintain its approval, except that in the event a zoning amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. (Ord. No. 1996-01, § 405, 10-22-1996)

Secs. 30-80--30-101. Reserved.

ARTICLE III.

MINIMUM DESIGN STANDARDS

DIVISION 1.

GENERALLY

Sec. 30-102. Conformity with the comprehensive development plan.

The proposed subdivision shall conform to the comprehensive development plan and policies as adopted by the city.

(Ord. No. 1996-01, § 601, 10-22-1996)

Sec. 30-103. Land requirements.

(a) Permits required.

(1) *Grading permit.* Land disturbing activities that disturb more than 50 cubic yards to 5,000 cubic yards will require a grading permit from the city.

(2) *Conditional use permit.* Land disturbing activities that disturb 5,000 cubic yards or greater will require a conditional use permit from the city.

(b) *Suitability of terrain.* Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or rock formations. The design of all subdivisions shall coordinate and be respective of the zoning map and ordinances, the city comprehensive plan, official map, street plan, and any other planning guides adopted by the city.

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

(d) *Coordination of development.* Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.
(Ord. No. 1996-01, § 602, 10-22-1996; Ord. No. 2015-38, 3-3-2015)

Sec. 30-104. Drainage.

A complete and adequate drainage system design shall be required for the subdivision and may include a storm sewer system or a system of open ditches, culverts, pipes and catchbasins, and ponding areas, or both such systems, and submitted to the engineer for approval.
(Ord. No. 1996-01, § 607, 10-22-1996)

Sec. 30-105. Easements.

(a) *Required for utilities.* Easements of at least 20 feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a ten-foot-wide front or side yard easement may be required. These easements shall be dedicated on the final plat.

(b) *Required for drainage.* Easements shall be provided along each side of the centerline of any watercourse or drainage channel, whether or not shown on the comprehensive plan, to a sufficient width to provide proper maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers.

(c) *Dedication.* Utility and drainage easements shall be dedicated for the required use.
(Ord. No. 1996-01, § 608, 10-22-1996)

Sec. 30-106. Block design.

(a) Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by chapter 32, pertaining to zoning, and to provide for convenient access, circulation control, and safety of street traffic.

(b) In residential areas, other than water frontage, blocks shall not be less than 600 feet or more than 1,800 feet in length measured along the greatest dimension of the enclosed block area, unless minor variances are

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necessitated by topography or conformance with an adjoining plat.

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

(d) Blocks shall be wide enough to allow two tiers of lots with a minimum depth as required by chapter 32, pertaining to zoning, except adjoining a lake, stream, railroad or thoroughfare, or where one tier of lots is necessary because of topographic conditions.
(Ord. No. 1996-01, § 610, 10-22-1996)

Sec. 30-107. Lot requirements.

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

(b) *Frontage.* Each lot shall front upon a public street.

(c) *Minimum area and width.* No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located, except as herein provided. Irregular-shaped lots designed for the sole purpose of attempting to meet a subdivision design or zoning regulation shall be prohibited.

(d) *Loading and parking facilities.* Lots designed for commercial or industrial purposes shall provide adequate off-the-street service, loading and parking facilities.

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

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

(g) *Through or double frontage lots.* Such lots shall not be permitted except where such lots abut a thoroughfare or major highway. Such lots shall have an additional depth of ten feet for screen planting along the rear lot line.

(h) *Watercourse.* Lots abutting upon a watercourse, drainageway, channel or stream shall have an additional depth or width, as required to ensure building sites that are not subject to flooding.

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

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

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

(l) *Access to major arterials.* In the case where a proposed plat is adjacent to a major or minor arterial, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided and more preferable access

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arrangements become possible, such temporary access permits shall become void. Driveway access on collector streets must be a minimum of 300 feet apart and meet appropriate safety standards.

(m) *Political subdivision and school district lines.* No lot shall extend over a political subdivision boundary. No building shall extend over a school district line.
(Ord. No. 1996-01, § 611, 10-22-1996)

Secs. 30-108--30-127. Reserved.

DIVISION 2.

STREETS

Sec. 30-128. Street plan.

(a) *Conformance.* Proposed streets shall conform to the state road and county highway plans or preliminary plans as have been prepared, adopted and/or filed as prescribed by law.

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

(c) *Access to parcels.* Access shall be given to all lots and portions of the tract in the subdivision, and to adjacent unsubdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips and landlocked areas shall not be created.

(d) *Arrangement.* The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets in adjoining areas.

(e) *Preparation for future extension.* Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be rough-graded or documented that grading can be accomplished within the right-of-way.

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

(g) *Partial streets within subdivision.* Half or partial streets will not be permitted except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

(h) *Partial streets adjoining subdivision.* Wherever a tract to be subdivided adjoins an existing half, or partial street, the part of the street within such tract shall be platted.

(i) *Dead-end streets, cul-de-sacs.* Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sac streets. Stubs for future street extension shall include a temporary cul-de-sac and associated easements until the extended roadway is constructed.

(j) *Private streets, reserve strips.* Private streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use except in cluster developments or planned unit developments.

(k) *Service streets.* Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, a street approximately parallel to and on each side of such thoroughfare and right-of-way

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may be required for adequate protection of residential properties and separation of through traffic and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, such as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(l) *Access to adjoining property.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. (Ord. No. 1996-01, § 603, 10-22-1996)

Sec. 30-129. Cul-de-sac streets.

(a) Cul-de-sac streets, temporarily or permanently designed as such, shall not exceed 1,320 feet in length.

(b) Lots with frontage at the end of the cul-de-sac shall have a minimum of 60 feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.

(c) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround. To ensure such streets can be constructed according to this Code, the street shall be rough graded or typical sections shall be submitted and approved by the city engineer. (Ord. No. 1996-01, § 604, 10-22-1996)

Sec. 30-130. Street design.

(a) *Minimum widths.* Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

Type of Street	Right-of-way Roadway Width	Width (Including Shoulders)
Minor arterial	120 feet minimum	as determined by traffic needs
Collector	80 feet minimum	44 feet
Commercial/industrial street	80 feet minimum	44 feet
Local street	66 feet minimum	28 feet
Cul-de-sac	66 feet minimum	48-foot turnaround radius

(b) *Widening existing streets.* Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the standards of subsection (a) of this section.

(c) *Additional width requirements.* Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

(d) *Restriction of access.* Access of local streets onto state, county state-aid highways, and county highways shall be discouraged at intervals of less than 500 feet.

(e) *Street jog.* Street jogs with centerline offsets of less than 150 feet shall not be allowed. Greater

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offsets may be required on collector and arterial streets.

(f) *Deflection.* When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a centerline radius of not less than 300 feet.

(g) *Grades.* Centerline gradients shall be at least 0.5 percent and grades shall not exceed eight percent.

(h) *Vertical curves.* Different connecting street gradients shall be connected with vertical curves. Minimum length of these curves shall meet state department of transportation criteria for stopping sight distance at 30 miles per hour.

(i) *Angle of intersection.* The angle formed by any intersecting of streets shall not be less than 70 degrees, with 90-degree intersections preferred.

(j) *Size of intersection.* Intersections of more than four corners shall be prohibited.

(k) *Corner radii.* Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Roadways of alley-street intersections shall be rounded by a radius of not less than six feet. Corners at the entrances of the turnaround portions of the cul-de-sacs shall be rounded by a radius of not less than 15 feet.

(l) *Curb and gutter.* Local roadway sections shall be in accordance with city standards. The city roadway standard is a rural section 28 feet wide with 22 feet of bituminous pavement surface. Curb and gutter may be included at the discretion of the city as part of the required street surface improvement and shall thus be designed for installation along both sides of all roadways for urban design.

(Ord. No. 1996-01, § 605, 10-22-1996)

Sec. 30-131. Private streets.

Private streets are not permitted.

(Ord. No. 1996-01, § 606, 10-22-1996)

Sec. 30-132. Street names.

Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event it shall bear the same name of the existing or platted street so in alignment Street names shall conform as applicable to chapter 24, article III, pertaining to the uniform street naming and property numbering system.

(Ord. No. 1996-01, § 609, 10-22-1996)

Secs. 30-133--30-162. Reserved.

ARTICLE IV.

ENGINEERING STANDARDS

Sec. 30-163. Inspection.

All required improvements shall be inspected by the engineer during construction at the expense of the subdivider.

(Ord. No. 1996-01, § 708, 10-22-1996)

Sec. 30-164. Street construction.

(a) *Street grading.* Streets shall be graded in accordance with a plan approved by the engineer. In the case of an urban street design the grading shall include the entire width of the right-of-way and shall provide a

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boulevard section in addition to the minimum pavement width. Grading plans shall be at a scale of not less than one inch equals 100 feet. Street plan and profile sheets shall be at not less than a scale of one inch equals 50 feet.

(b) *Street pavement.* The design of street pavement for all streets covered by this regulation shall be in accordance with the State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible pavements. The designed thickness of the surfacing elements shall be in accordance with the flexible pavement design standard for road classifications as follows:

Classification Pavement Design	Axle Load
Arterials, collector street	As determined by traffic needs
Local streets	7-ton minimum

(c) *Soil tests.* To determine subgrade soil classifications, soil samples shall be collected and analyzed by a reputable testing laboratory. Reports of the soil analysis shall be submitted with the pavement plans to the engineer and shall include "R" values and pavement recommendations certified by a registered soils engineer. Soil samples shall be taken along the centerline of the proposed road at intervals not exceeding 300 feet. Soil report shall include groundwater elevations.

(d) *Curb and gutter.* Local roadway sections shall be in accordance with city standards. The city roadway standard is a rural section 28 feet wide with 22 feet of bituminous pavement surface. Curb and gutter may be included at the discretion of the city as part of the required street surface improvement and shall thus be designed for installation along both sides of all roadways for urban design.

(e) *Boulevards.* All boulevards shall have four inches of topsoil (black dirt) placed on them and then shall be seeded or sodded as approved by the engineer.

(f) *Sidewalks and pedestrian ways.* All required walks shall be concrete four inches thick placed on a four-inch gravel base. Grades shall be as approved by the city engineer. Sidewalks shall be placed in the public right-of-way.
(Ord. No. 1996-01, § 701, 10-22-1996)

Sec. 30-165. Utilities.

(a) *Extended service facilities.* Where a larger-size storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required must be constructed. Additional cost is to be borne by the benefitting properties, and the assessments are to be determined by the city council.

(b) *Installation of private utilities.* Private utilities such as electricity, telephone, gas, and cable television shall be installed within the platted drainage and utility easements, outside of public right-of-way.
(Ord. No. 1996-01, § 702, 10-22-1996)

Sec. 30-166. Sanitary sewerage systems.

(a) *Individual sewage disposal systems.* Where lots cannot be connected with a public sewerage system, provision must be made for sanitary sewerage facilities, consisting of individual disposal devices for each lot in accordance with article IV of chapter 12, pertaining to individual sewage treatment systems. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.

(b) *Soil suitability tests required.* Any subdivision or lot not provided with off-site sewer facilities shall be subject to soil and percolation tests to determine whether the lot size proposed will meet minimum standards of health and sanitation due to limitations of soils as shown on existing soils maps. The lot area and topography must be such that it will accommodate an adequate disposal system to serve the residence for the estimated unsewered years, as determined by the city council. Such test shall be made at the expense of the subdivider, and a sketch map

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shall be submitted to identify the specific locations where tests were made. Four soil borings shall be performed on each proposed lot by a certified soil tester. Additional testing may be required if serious limitations for the installation of an on-site septic system are found.

(c) *Compliance with standards.* All sewage disposal systems shall comply with the standards of the article IV of chapter 12, pertaining to individual sewage treatment systems, the county department of health, environment, and land management, the state department of health, and the state pollution control agency. (Ord. No. 1996-01, § 703, 10-22-1996)

Sec. 30-167. Water supply.

An individual well shall produce at least ten gallons per minute, have a well casing at least four inches in diameter and be grouted to provide a safe, potable water supply. (Ord. No. 1996-01, § 704, 10-22-1996)

Sec. 30-168. Stormwater drainage.

(a) *Design requirements; approval.* A drainage system design shall be required, and may include a storm sewer system or a system of open ditches, culverts, pipes, catchbasins and ponding areas, or both systems. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters. Drainageway easements or land dedication may be required when such easements or land is needed in the public interest for purposes of floodplain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purposes. If there is a watershed district or water management organization, that board must approve all surface water drainage.

(b) *Easements.*

(1) Easements at least 20 feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a ten-foot-wide front or side yard easement may be required. These easements shall be dedicated on the plat.

(2) Easements shall be provided along each side of the centerline of any watercourse or drainage channel, whether or not shown on the comprehensive plan, to a width sufficient to allow for maintenance and to provide for stormwater runoff and installation and maintenance of storm sewers.

(3) Utility and drainage easements shall be dedicated for the required use. (Ord. No. 1996-01, § 705, 10-22-1996)

Sec. 30-169. Street signs.

All street signs shall be provided and installed by the city at the expense of the subdivider. (Ord. No. 1996-01, § 706, 10-22-1996)

Sec. 30-170. Utilities location.

When practicable and feasible, all utilities shall be placed underground and completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. (Ord. No. 1996-01, § 707, 10-22-1996)

Sec. 30-171. Inspection.

All required improvements shall be inspected by the engineer during construction at the expense of the subdivider.

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(Ord. No. 1996-01, § 708, 10-22-1996)

Sec. 30-172 Erosion and sediment control plans.

(a) *Applicability.* Construction activity that results in land disturbance of equal to or greater than one acre or a common plan of development or sale that disturbs one acre will be required to submit an erosion and sediment control plan to the city prior to construction. All construction sites regardless of size will be required to provide and maintain minimum erosion control measures during construction.

(b) *General criteria.* Projects requiring an erosion and sediment control plan shall include the following criteria:

- (1) Erosion Control
- (2) Sediment Control
- (3) Temporary Sediment Basins
- (4) Dewatering and Basin Draining
- (5) Inspection and Maintenance
- (6) Pollution Management Measures/Construction Site Waste Control
- (7) Final Stabilization
- (8) Training

(c) *Specifications.* All erosion and sediment control plans shall meet the specifications set forth in the city's Engineering Design Guidelines, the NPDES Construction Stormwater Permit and applicable Watershed District Rules.

(Ord. No. 2015-38, 3-3-2015)

Sec. 30-173. Stormwater management plans.

(a) *Applicability.* All projects either creating or disturbing one acre or greater of new impervious will require the submittal of a stormwater management plan to the city prior to construction.

(b) *General criteria.* At a minimum, the stormwater management plan shall meet the criteria as described in the city's Engineering Design Guidelines, the NPDES Construction Stormwater Permit, and applicable Watershed District Rules.

(c) *Specifications.* Unless determined by the City to be exempt or granted a waiver, all site designs shall establish storm water management facilities to control the peak flow rates and pollutants of stormwater discharge associated with specified design storms and runoff volumes, as detailed in the city's Engineering Design Guidelines, the NPDES Construction Stormwater Permit, and applicable Watershed District Rules.

(d) *Maintenance Agreement.* All permanent stormwater management facilities must provide a maintenance agreement with the City that documents all responsibilities for operation and maintenance of long-term stormwater management facilities. Such responsibility shall be documented in a maintenance plan and executed through a maintenance agreement. All maintenance agreements must be approved by the City and recorded at Washington County recorder's office prior to final plan approval. At a minimum, the maintenance agreement shall describe the inspection and maintenance obligations:

- (1) The responsible party who is permanently responsible for inspection and maintenance of the structural and nonstructural measures.
- (2) Pass responsibilities for such maintenance to successors in title
- (3) Allow the City and its representatives the right of entry for the purposes of inspecting all permanent stormwater management systems.

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- (4) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the responsible party of the permanent stormwater management system.
- (5) Include a maintenance plan that contains, but is not limited to the following:
 - a. Identification of all structural permanent stormwater management systems
 - b. A schedule for regular inspections, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.
 - c. Identification of the responsible party for conducting the inspection, monitoring and maintenance for each practice.
 - d. Include a schedule and format for reporting compliance with the maintenance agreement to the City.
 - e. Right of Entry. The issuance of a permit constitutes a right-of-entry for the community or its contractor to enter upon the construction site. The applicant shall allow the community and their authorized representatives, upon presentation of credentials, to:
 - i. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.
 - ii. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
 - iii. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit.
 - iv. Inspect the stormwater pollution control measures.
 - v. Sample and monitor any items or activities pertaining to stormwater pollution control measures.
 - vi. Correct deficiencies in stormwater and erosion and sediment control measures.

(Ord. No. 2015-38, 3-3-2015)

Secs. 30-174--30-193. Reserved.

ARTICLE V.

REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENTS

Sec. 30-194. Improvements required.

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

- (1) *Survey monuments.* All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county and other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position unless a relocation is approved by the controlling agency.
- (2) *Grading.* The full width of the right-of-way of each street and alley dedicated in the plat shall be graded.
- (3) *Pavement.* All streets and alleys shall be improved with concrete or bituminous surface except as may be approved by action of the city council.

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- (4) *Curb and gutter.* Local roadway sections shall be in accordance with city standards. The city roadway standard is a rural section 28 feet wide with 22 feet of bituminous pavement surface. Curb and gutter may be included at the discretion of the city as part of the required street surface improvement and shall thus be designed for installation along both sides of all roadways for urban design.
 - (5) *Drainage facilities.* Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters; a storm sewer system may be required. Drainageway easements or land dedication may be required when such easements or land is needed in the public interest for purposes of floodplain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose. If there is a watershed district or water management organization, that board must approve all surface water drainage.
 - (6) *Miscellaneous facilities.* Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways, and other improvements may be required.
 - (7) *Approval by engineer prior to building.* No building permits shall be issued for any lot until the street subgrade and aggregate base has been tested and approved by the engineer.
- (Ord. No. 1996-01, § 801, 10-22-1996)

Sec. 30-195. Installation of improvements--Payment and expense.

The required improvements as listed elsewhere are to be furnished and installed at the sole expense of the subdivider. However, if the cost of an improvement would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for the payment of a portion of the cost by the city. Further, if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

(Ord. No. 1996-01, § 802, 10-22-1996)

Sec. 30-196. Same--Agreement with city; deposit or bond; former defaulters.

(a) *Contract with city required in advance of construction.* Prior to the installation of any required improvements and prior to approval of the plat, the subdivider shall enter into a contract in writing with the city requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provisions for supervision of details of construction by the engineer and shall grant to the engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the city in the vicinity.

(b) *Escrow deposit or bond required.* The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond, the amount of the deposit or penal amount of the bond to be equal to 125 percent of the engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of improvements so completed prior to the acceptance of the plat. The time for connection of the work and the several parts thereof shall be determined by the city council upon recommendation of the engineer after consultation with the subdivider. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the plat and subdivision.

(c) *Special approval for former defaulters.* No subdivider shall be permitted to start work on any other subdivision without special approval of the city council if he has previously defaulted on work or

commitments.

(Ord. No. 1996-01, § 803, 10-22-1996)

Sec. 30-197. Financial guarantee.

Financial guarantee required as part of the subdivision agreement shall be one of the following:

- (1) *Escrow deposit.* A cash escrow deposit may be made with the city treasurer in a sum equal to 125 percent of the total costs, as estimated by the engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the subdivision agreement. The total costs shall include costs of inspection by the city engineer. The city shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the city for completion of the work in case of default of the subdivider under such contract, and for any damages sustained on account of any breach thereof.
- (2) *Performance bond.* The subdivider may furnish a performance and payment bond with corporate surety, in a penal sum equal to 125 percent of the total cost, as estimated by the engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the subdivision agreement. The total costs shall include costs for inspection by the city engineer. The bond shall be approved as to form by the attorney and filed with the clerk.
- (3) *Letter of credit.* The subdivider may deposit with the city, from a bank or other reputable institution or individual subject to the approval of the city council, an irrevocable letter of credit which shall certify the following:
 - a. That the creditor does guarantee funds in an amount equal to 125 percent of the total cost as estimated by the city engineer, or completing all required improvements.
 - b. That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the city immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
 - c. That this letter of credit may not be withdrawn, or reduced in amount until released by the city council.

(Ord. No. 1996-01, § 804, 10-22-1996)

Sec. 30-198. Construction plans and inspection.

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

(b) *Inspections.* All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the city engineer at the subdivider's expense, and acceptance by the city shall be subject to the engineer's certificate of compliance with the contract.

(Ord. No. 1996-01, § 805, 10-22-1996)

Sec. 30-199. Improvements completed prior to approval of the plat.

Improvements within a subdivision which have been completed prior to application for approval of the plat

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or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.
(Ord. No. 1996-01, § 806, 10-22-1996)

AMENDMENT HISTORY OF THIS CHAPTER

Amended March 3, 2015 (Ordinance 2015-38). Amended Sections 30-1 Definitions; 30-3 Enforcement; 30-58 Data Required; and 30-103 Land Requirements. Added Sections 30-16 Incorporation by Reference; 30-172 Erosion and Sediment Control Plans; and 30-173 Stormwater Management Plans. Additions and amendments were made to comply with the Minnesota Pollution Control Agency's standards for municipal separate storm sewer systems.