

CHAPTER 12. SUBDIVISION REGULATIONS (PLATTING)

Section 1200 - GENERAL PROVISIONS

1200.01 Purpose. In order to safeguard the best interest of the City and to assist the subdivider in harmonizing the subdivider's interests with those of the City at large, this Chapter is adopted. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community, and to which the community will be forced to adhere, and because piecemeal planning of subdivisions will bring on undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to a Comprehensive Plan of the City aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the Planning Commission shall, in all respects fully comply with the regulations hereinafter set forth in this Chapter. It is the purpose of this Chapter to make certain regulations and requirements for the platting of land within the City, pursuant to the authority contained in Minnesota Statutes Annotated, which regulations the Council deems necessary for health, safety and the general welfare.

1200.02 Jurisdiction. The regulations governing plats and the subdivision of land shall apply within the corporate limits of the city and the unincorporated area within two (2) miles of its limits; provided that where a municipality lies less than four (4) miles from the limits of Kilkenny, these regulations shall apply only to a line equidistant from Kilkenny and said municipality; and provided further, that the governing body or bodies of unincorporated areas adjacent to the City have not adopted ordinances for the regulation of subdivision of land or platting.

1200.03 Application of Chapter. Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Chapter, shall be prepared, presented for approval, and recorded as prescribed in this Section. The regulations contained in this Section shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or budding development, whether immediate or future, including the re-subdivision or re-platting of land or lots. Division of land into tracts larger than five (5) acres in area and three hundred (300) feet in width shall be exempt from the requirements of this Chapter, where no new street is involved.

1200.04 Approvals Necessary for Acceptance of Subdivision Plats. Before any plat shall be recorded or be of any validity, it shall have been approved by the Planning Commission and by the Council as having fulfilled the requirements of this Chapter.

1200.05 Definitions. For the purpose of this Chapter, certain words and terms are hereby defined as follows:

Subd. 1 Alley. A public right-of-way which affords a secondary means of access to abutting property.

Subd. 2 Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary of boundaries of the subdivision, or a combination of the above with a river or lake.

Subd. 3 Building Permit. The building permit required under the Building Code of the City.

Subd. 4 Comprehensive Plan. Refers to the group of maps, charts, and texts that make up the Comprehensive Guide Plan of the City.

Subd. 5 Design Standards. The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.

Subd. 6 Easement. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, T.V. and F.M. transmission lines, storm sewer or storm drainage ways, gas lines, or roadways.

Subd. 7 Easement, Slope. A grant by a property owner for the use of a strip of land for the purpose of constructing a slope or grade transition from the existing property grade to a new street grade.

Subd. 8 Final Plat. A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by the County for purposes of recording.

Subd. 9 Intersection Street. The point of crossing or meeting of two or more Streets.

Subd. 10 Lot. A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

Subd. 11 Owner. Includes the plural as well as the singular, and where appropriate shall include a natural person partnership, firm, association public or private corporation or a combination of any of them.

Subd. 12 Parks and Playgrounds. Public lands and open spaces in the City dedicated or reserved for recreation purposes.

Subd. 13 Percentage of Grade. The rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The center line of a street shall be used to determine the street rise of grade.

Subd. 14 Pedestrian Way. A public or private right-of-way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of utility lines.

Subd. 15 Preliminary Plat. A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.

Subd. 16 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.

Subd. 17 Street. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, place or however otherwise designated.

Subd. 18 Street, Thoroughfares. Arterial streets which are used primarily for heavy traffic, and serving as an arterial trafficway between the various districts of the community, as shown on the Comprehensive Plan.

Subd. 19 Street, Collector. Those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts as shown on the Comprehensive Plan.

Subd. 20 Street, Minor. Those which are used primarily for access to abutting properties.

Subd. 21 Street, Marginal Access. Minor streets which are parallel and adjacent to thoroughfares and highways, and which provide access to abutting properties and protection from through traffic.

Subd. 22 Street Width. The shortest distance between lines of lots delineating the street right-of-way.

Subd. 23 Street, Private. A private right-of-way affording access by pedestrians and vehicles which is under individual rather than municipal control.

Subd. 24 Subdivision. A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than five (5) acres in area, for the purpose of transfer or ownership or building development, or, if a new street is involved, any division of a parcel of land. The term includes resubdivision, and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

Subd. 25 Tangent. A straight line departing from a curve which is perpendicular to the radius of that curve.

Subd. 26 Tract. A parcel of land intended for division or development of a subdivision.

Subd. 27 U.S.G.S. Datum. Refers to United States Geodetic Survey Datum.

Subd. 28 Vertical Curve. The surface curvature on a street center line located between lines of different percentage of grade.

Section 1205 - PROCEDURE

1205.01 Preliminary Plat. Before dividing any tract of land into two or more lots or parcels, the following procedure shall be followed:

Subd. 1 Submittal to the Planning Commission.

A. A preliminary plat shall be submitted to the City at least ten (10) days prior to the Planning Commission meeting at which the plat shall be considered. The Engineer shall prepare the report setting out whether or not the plat meets the requirements of State law, the City Code provisions, and the City Comprehensive Guide Plan. The Engineer shall present the report, together with recommendations, to the next meeting of the Commission following its filing with the Engineer with the City.

B. The Planning Commission shall consider the plat at the meeting at which it is submitted, and may consider it at special or adjourned meetings as it shall determine are necessary.

C. The Planning Commission shall have the authority to recommend approval or disapproval of the preliminary plat, to approve it with conditions attached, and to disapprove it until and unless certain conditions are first complied with.

D. Upon the making of its determination, the Planning Commission shall embrace the same within a motion, which shall include all conditions it requires for approval, or conditions upon which approval will be granted, and shall set forth the reasons for the approval given. A copy of the motion shall be sent forthwith to the subdivider and a copy thereof to the Council, together with the plat if it is approved, conditionally or otherwise.

Subd. 2 Submittal to the Council.

A. Upon the adoption of the motion provided by the Planning Commission, the plat shall come before the Council for review.

B. The Council may hold such public hearings on the said plat as it shall in its discretion determine, and upon such notice as it shall provide.

C. The Council shall have authority to approve, disapprove, modify and amend the motion of the Planning Commission, and it may refer the same to the Planning Commission for further study. A referral to the Planning Commission shall not be deemed a final action thereon by the Council, and

the Planning Commission shall report back thereon no later than forty-five (45) days following the Council meeting at which it was referred.

D. Upon final decision by the Council, it shall embrace its decision in a motion, provided, however, it may adopt the motion of the Planning Commission by reference.

E. Upon decision by the Council, the City Clerk shall transmit a copy of the motion, or notice of adoption without change, to the subdivider.

F. The approval of the preliminary plat shall not constitute an acceptance of the subdivision, but it shall be deemed to be an authorization to proceed with the preparation of the final plat.

G. The approval of the preliminary plat by the Council shall be effective for a period of one (1) year from the date of approval by the Council.

H. The subdivider may file a final plat limited to such portion of the preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion must conform to all requirements of this Chapter. If some portion, or all, of the final plat has not been submitted to the Planning Commission for approval within the time hereinabove provided, a preliminary plat must again be submitted to the Planning Commission and the Council for approval, unless the Commission and the Council shall waive this requirement.

1205.02 Final Plat. After the preliminary plat has been approved, and the subdivider determines to proceed to secure approval of all or a part thereof as a final plat, the final plat shall be submitted as follows:

Subd. 1 Submittal to Planning Commission.

A. The final plat shall be submitted to the City at least ten (10) days prior to the Planning Commission meeting at which the same shall be considered. The City Engineer shall prepare a report setting out whether or not the final plat is in substantial agreement with the preliminary plat and if not, in which particulars it varies from the preliminary plat and whether or not it conforms to the requirements of State law and City Code provisions; and that the final plat meets all the conditions attached to the final approval of the preliminary plat.

B. The Planning Commission shall consider the said final plat at the meeting at which it is submitted, and may consider it at such special or adjourned meetings as it shall determine are necessary.

C. The Planning Commission shall have the authority to recommend approval or disapproval of said final plat. If it shall determine that it cannot approve it unless certain conditions are attached, it shall by motion set forth the conditions for approval and forthwith send a copy of such conditions to the subdivider. All further action on the plat shall be suspended until the subdivider responds to the conditions. If no further action is taken by the subdivider within a period of three (3) months from the date of the adoption of such conditions, the plat shall be deemed to be disapproved.

D. Final action by motion on the final plat shall be communicated forthwith to the subdivider by the Secretary of the Planning Commission. A copy of the motion shall be sent to the Council, together with the plat, and such other data as the Commission shall determine.

E. If the Planning Commission approves the final plat, the Chairman and the Secretary shall sign the same.

Subd. 2 Submittal to the Council.

A. Upon the adoption of the motion of approval or disapproval by the Planning Commission, the final plat shall come before the Council for review.

B. The Council shall have the authority to hold such hearings on the final plat as it shall determine, and upon such notice as it shall provide.

C. If the Council is not satisfied with the final plat as presented, it may: (1) disapprove the same; (2) set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or, (3) refer the same to the Planning Commission for such further action as it shall determine. Upon such referral, the Planning Commission shall act thereon at the next meeting and report back to the Council no later than forty-five (45) days after the said action of the Council.

D. If the Council shall determine to accept the plat, it shall by motion so determine, and the resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other spaces dedicated to public purposes.

E. The action of the Council finally determining the matter shall be communicated by the Clerk to the subdivider. If the plat is disapproved the Clerk shall set forth the reasons given by the Council for such determination.

Section 1210 - PRELIMINARY PLATS: DATA REQUIRED

1210.01 Filing. The owner or subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information, five (5) copies of a preliminary plat of any proposed subdivision shall be filed with the City. Every preliminary plat shall contain the required data set forth in this Section.

1210.02 Identification and Description Data. The following data regarding identification and description of preliminary plat shall be provided:

- A. Proposed name of subdivision, which shall not duplicate the name of any plat heretofore recorded in the County.
- B. Location by section, township and range, or by other legal description.
- C. Names and addresses of the owner and subdivider having control of the lands included in said preliminary plat, the designer of the plat and the surveyor.
- D. Graphic scale, not less than one inch to one hundred (100) feet.
- E. North point.
- F. Date of preparation.

1210.03 Existing Condition Data. The following data regarding existing condition shall be provided:

- A. Boundary line survey, including measured distances and angles, which shall close by latitude and departure with an error of closure not exceeding one (1) foot in seven thousand five hundred (7,500) feet.
- B. Total acreage in said preliminary plat computed to one tenth (1/10) of an acre.
- C. Location and names of existing or platted streets or other public ways, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.
- D. If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original names shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.

E. Location and size of existing paved streets, railroads, sewers, water mains, gravel pits, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Also such data as grades, invert elevations and location of catchbasins, manholes and hydrants.

F. Boundary lines of adjoining platted or unplatted land within one hundred (100) feet of the tract.

G. When in the opinion of the Planning Commission it is necessary, complete topographic map with contour intervals not greater than two (2) feet, water courses, marshes, rock out-crops and other significant features may be required; all superimposed on at least one print of preliminary plat. United States Geodetic Survey datum shall be used for all topographic mapping. High water elevation and date thereof if parts of plat are wet or have been wet. In the case of a subdivision where no new street is involved, the required topographic map may be waived if it is deemed unnecessary by the City Engineer and the Planning Commission.

1210.04 Design Features. The following data regarding proposed development design features of the preliminary plat shall be provided:

A. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street similar to or heretofore used in the City shall not be permitted unless the proposed street is an extension of an already named street in which event the name shall be used. All street names shall be subject to the approval of the Planning Commission.

B. Locations and widths of alleys, pedestrian ways and utility easements.

C. Proposed center line grades of all new streets and alleys, if any, and a complete set of profiles showing both existing and proposed grade lines.

D. Location, size and approximate gradient of sewer lines.

E. Layout, numbers and approximate dimensions of lots and the number or letter of each block.

F. Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.

G. Vicinity sketch, or a legible scale, to show the relation of the plat to its surroundings, and surrounding zoning districts.

Section 1215 – FINAL PLATS: DATA REQUIRED

1215.01 Filing. The owner or subdivider shall submit a final plat together with any necessary supplementary information. The original and four (4) copies of the final plat shall be submitted; one of the four copies shall be on a reproducible medium and will be retained by the City.

1215.02 Data Required. The final plat shall contain the following:

A. The final plat prepared for recording purposes shall be prepared in accordance with the provisions of Minnesota Statutes and applicable City and County regulations.

B. Name of subdivision; names shall not duplicate or too closely approximate the name of any existing subdivision.

C. 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 of closure on any portion of a final plat shall be one (1) foot in seventy-five hundred (7,500) feet.

D. 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 documents or the nearest established street lines, including tree angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half (1/2) inch or larger in diameter extending at least three (3) feet below the finished grade. In situations where conditions prohibit the platting of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter.

E. Locations 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. Dimensions shall be shown from all angle points and points of curve to lot lines.

F. Boundary fines and description of boundary fines of any areas other than streets and alleys which are to be dedicated or reserved for public use.

G. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these shall be shown clearly in the center of the block.

H. Building setback lines on the front and side streets with dimensions.

I. Name and address of developer and surveyor making the plat.

L Scale of plat (the scale to be shown graphically and in feet per inch), date and north point.

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

L. 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.

M. Statement establishing building setback lines as follows: Building setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line.

1215.03 Certifications Required of Final Plats.

A. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.

B. Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by the surveyor and that monuments and markers shown therein exist as located and that all dimension and geodetic details are correct.

C. Certification showing that all taxes and special assessments due on the property have been paid in full.

D. Space for Certificates of Approval to be filled in by the signatures of the Chairman of the Planning Commission, the Mayor, the City Clerk, and the City Engineer. The form of approval by the Planning Commission is as follows:

Approved by the Planning Commission of the City of Kilkenny, this ____
day of _____, 19__

Signed: _____
Chairperson

Attest: _____
Secretary

The form of approval by the City Council is as follows:

Approved by the City of Kilkenny, Minnesota, this _____ day of
_____, 19__

Signed: _____
Mayor

Attest: _____

The form of approval by the City Engineer is as follows:

Approved by the City Engineer, City of Kilkenny, Minnesota, this
_____ day of _____, 19__

Signed: _____

The form for approval by County Authorities as required.

1215.04 Supplementary Documents and Information.

- A. A complete set of street profiles showing grade lines as constructed.
- B. Copies of any private restrictions affecting the subdivision or any part thereof.

Section 1220 - DESIGN STANDARDS

1220.01 Blocks.

Subd. 1 Block Length. In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed one thousand (1,000) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required. The width and location of such pedestrian ways shall be subject to the approval of the City Engineer and the Planning Commission. Blocks for business or industrial use should normally not exceed six hundred (600) feet in length.

Subd. 2 Block Width. The width of the block shall normally be sufficient to allow two (2) 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.

1220.02 Streets and Alleys.

Subd. 1 Arrangement of Thoroughfares and Collector Streets. The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the City Comprehensive Plan. Except for cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts. The arrangement of thoroughfares and collector 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 relation to the proposed use of the area to be served.

Subd. 2 Minor Streets. Minor streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Permanent cul-de-sacs shall normally not be longer than five hundred (500) feet, including a terminal turn-around which shall be provided at the closed end, with a right-of-way radius of not less than fifty (50) feet.

Subd. 3 Unsubdivided Plat Portion. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

Subd. 4 Larger Than Normal Building Lots. 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 of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

Subd. 5 Angle of Intersection. 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. The minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than one hundred twenty-five (125) feet shall be avoided.

Subd. 6 Marginal Street Access. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a limited access U.S. or State highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, grade crossings or for lot depths.

Subd. 7 Alleys. Alleys shall be provided in commercial and industrial districts. This requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than sixteen (15) feet wide for residential alleys and not less than twenty-five (25) feet wide for commercial and industrial alleys. Dead end alleys shall not be permitted, except that this requirement may be waived where an adequate turn-around is provided.

Subd. 8 Half Streets. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest.

Subd. 9 Right-of-Way Widths. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be as shown in the Comprehensive Plan, and where not shown in the Plan, the minimum right-of-way width for streets, thoroughfares, alleys, or pedestrian ways included in any

subdivision shall not be less than the minimum dimensions for each classification as follows:

Thoroughfare	100 feet
Collector Street	80 feet
Minor Street	60 feet
Marginal Access Street	50 feet
Residential Alley	16 feet
Industrial-Commercial Alley	25 feet
Pedestrian Way	10 feet

Where existing or anticipated traffic on thoroughfares warrants greater widths of right-of-way, these shall be required.

Subd. 10 Street Grades. The grades in all streets, thoroughfares, collector streets, minor streets, and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Thoroughfares	4 percent
Collector Street	5 percent
Minor Street	8 percent
Alley	8 percent

In addition, there shall be a minimum grade on all streets and thoroughfares of not less than five tenths (5/10) of one (1) per-cent

Subd. 11 Street Alignment. The horizontal and vertical alignment standards on all streets shall be as follows:

A. Horizontal - radii of center line:

Thoroughfare	500 feet - minimum
Collector Street	400 feet - minimum
Minor Street	150 feet - minimum

There shall be a tangent between all reversed curves of a length not less than fifty (50) feet.

B. Vertical - all changes in street grades shall be connected by vertical parabolic curves of such lengths as follows:

Thoroughfares	30 times the algebraic difference in the percent of
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Collector Street
or Minor Street

grade of the two adjacent
slopes.
20 times the algebraic
difference in the percent of
grade of the two adjacent
slopes.

Subd. 12 Public Streets. All proposed streets shall be offered for dedication as public streets. No private streets shall be permitted, except as set forth in other City Code provisions.

1220.03 Lots.

Subd. 1 Frontage on Public Dedicated Street. The minimum lot area, width and depth shall not be less than that established by the Zoning Chapter, except that in districts where a minimum area width or depth is not established the lot area, width and depth shall be adequate to serve the purposes for which the lot is to be used.

Subd. 2 Corner Lots. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as defined in the Zoning Chapter.

Subd. 3 Side Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

Subd. 4 Double Frontage Lots. Double frontage lots shall be avoided except where lots back on a thoroughfare or other arterial street, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.

Subd. 5 Frontage on Public Dedicated Street. Every lot must have at least the minimum required frontage on a public dedicated street other than an alley.

1220.04 Easements.

Subd. 1 Easement for Utilities. An easement for utilities, at least six (6) feet wide, shall be provided along each side of a rear lot line of lots and along any other lot line as may be deemed necessary to form a continuous right-of-way, at least twelve (12) feet in width. 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.

Subd. 2 Easement Connections. 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, by motion upon the recommendation of the Planning Commission.

Subd. 3 Additional Easements. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.

Subd. 4 Subdivision Traversed by a Water Course. Where a subdivision is traversed by a water course, drainage way, channel, or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water courses shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the City Engineer.

1220.05 Public Sites and Open Spaces. In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, conservation areas, or other public or semi-public recreational areas or open spaces.

Areas so dedicated or served shall conform as nearly as possible to the City Comprehensive Plan. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such area will be dedicated to or acquired by the appropriate agency.

Section 1225 - BASIC IMPROVEMENTS

1225.01 General.

Subd. 1 Approval.

A. Before a final plat may be approved by the Council, the owner shall execute and submit to the Council an agreement which shall be binding on the owner (or their) heirs, personal representatives and assigns, that the owner shall cause no private construction on the land, except with approval of the City Engineer, until all improvements required under this Chapter have been petitioned for, arranged for, or have been constructed.

B. No final plat shall be approved by the Council without first receiving a report from the City Engineer certifying that the described improvements, together with the agreements and required documents will meet the minimum requirements of all applicable City Code provisions.

C. A certified copy of the plat restrictions shall be filed with the County Recorder and Registrar of Deeds. This copy shall include a provision that, in all instruments of sale or conveyance given before all street improvements have been made, the grantee shall agree to and approve such improvements and the assessment of their cost.

Subd. 2 City Financing. Upon recommendation of the Engineer and with the approval of the Council, any or all of the required improvements may be financed and assessed by the City pursuant to Minn. Stat. Chapter 429. Length of assessment period and rate of interest shall be as determined by the Council.

Subd. 3 Financing by Developer. If deemed advisable and to be in the best interests of the City, the Council may require the developer to finance and pay for any and all improvements. Prior to the making of such required improvements, the owner or subdivider shall deposit with the City Recorder an amount equal to the City Engineer's estimated cost of any or all such improvements which are to be financed by the developer, either in cash or an indemnity bond, with sureties to the satisfaction of the City, conditioned upon the payment of all construction costs incurred by the City in making of such improvements and all expense incurred by the City for engineering and legal fees and other expense in connection with the making of such improvements. All improvements may be required to be contracted through the City.

1225.02 Improvements. The following improvements shall be constructed as provided for in this Section. Programming of improvements shall be approved by the City Engineer.

Subd. 1 City Obligation. The City will construct, furnish, and install at City expense, the following improvements according to City specifications. Furnishing of these improvements shall be commensurate with available City funds for such work and according to programs and priorities as established by the Council. If the developer would desire any of these improvements sooner than the City would be able to furnish them, then the costs of the following improvements shall be paid for by the developer.

A. Street Lighting - Street lighting shall be constructed by the City, preferably after curb and gutter have been installed. If additional or other type of lighting is desired by the developer, the developer shall pay the increased cost.

B. Signs - Street name signs and traffic control signs shall be installed by the City.

Subd. 2 Obligation of the Developer. The developer shall pay the proportionate amount of the following improvements on or for the subdivision or development. Financing shall be according to Subdivision 1 of this Section.

A. Site Grading - Necessary site grading shall be accomplished by the subdivider.

B. Street Grading - Street grading for the full width of the right-of-way shall be accomplished by the subdivider. If no site grading is to be accomplished, the street grading will be included with subsequent street improvements. Street grading shall precede any underground work. Where street grading is not to be immediately followed by street paving, the developer may be required to provide permanent grade markers at the right-of-way line of all streets of a standard approved by the City Engineer.

C. Street Improvements - Street improvements including base, curb and gutter, boulevard sodding, inlets and leads, and paving, according to Standard City Specifications or as approved by the City Engineer, shall be constructed. All required underground work shall have preceded any permanent street improvements. Any improvements on a County Road shall be approved by the County Engineer. Temporary construction may, at the discretion of the City Engineer, be required, for just cause, on any street, streets, or portions of street. Reconstruction or alteration in any way of existing streets affected by the plat or improvements thereupon, shall be subject to the approval of the City Engineer. All costs incurred, for either temporary access of reconstruction, shall be borne by the owner or

subdivider. Half streets, if accepted, shall be improved as directed by the City Engineer.

D. Sanitary Sewer - Where City sewer is, or will be, available at the boundary of the subdivision, it shall be constructed according to City Specifications. The cost of any required pumping stations, deemed necessary by the Engineer, shall be assessed against the benefiting property. Where it is neither practical nor economical for the City to extend City sewer, private sewage disposal facilities shall be constructed according to City and State specifications. Consideration shall be given to future availability of City sewer in such installations. Such information shall be recorded on the plat and in each deed so affected.

E. Sanitary Sewer Subdivider Expense - The subdivider shall install all sanitary sewers at their own expense and according to City specifications.

F. Water Main - Where City water is, or will be, available at the boundary of the subdivision, it shall be constructed according to City specifications. Main sizing shall be by the City Engineer. All required hydrants and valves are to be included in the construction. Where it is neither practical nor economical for the City to extend City water, private water supplies shall be constructed according to City and State specifications.

G. Trees - Boulevard trees, if desired, shall be installed by the owner or developer in accordance with Park Department standards.

Section 1230 - REGISTERED LAND SURVEYS AND CONVEYANCE
BY METES AND BOUNDS

1230.01 Registered Land Surveys. It is the intention of this Chapter that all registered land surveys under the jurisdiction of this Chapter 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 arrangements, sizes and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless such approvals have been obtained from the Planning Commission and Council 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.

1230.02 Conveyance by Metes and Bounds. No conveyance 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 less than five (5) acres in area and three hundred (300) feet in width unless such parcel was a separate parcel of record at the effective date of this Chapter. Building permits will be withheld for buildings on 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.

Section 1235 - VARIANCES, COMPLIANCE AND VIOLATIONS

1235.01 General Conditions. The Planning Commission may recommend a variance from the provisions of this Chapter, when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required in this Subsection, the 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 on traffic conditions in the vicinity. No variance shall be granted unless the Commission finds:

A. That there are special circumstances or conditions affecting the property so that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of the applicant's land.

B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

C. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

1235.02 Applications Required. Applications for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the Plan.

1235.03 Compliance. No building permit shall be issued by the City with respect to the land or to any lot in a subdivision, as defined in this Chapter, until the plat thereof has been recorded in the office of the Register of Deeds.

1235.04 Violations

Subd. 1 Sale of Lots From Unrecorded Plats. It is unlawful for any person to sell, trade, or otherwise convey or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision under the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the office of the Register of Deeds of the County.

Subd. 2 Misrepresentations 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.