

**CHAPTER 11 – SUBDIVISIONS  
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CITY OF LONG BEACH SUBDIVISION ORDINANCE**

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## SECTION 1 – GENERAL SUBDIVISION PROVISIONS

### SECTION:

- 1.01: Purpose
- 1.02: Short Title
- 1.03: Approvals Necessary for Subdivisions and Plats
- 1.04: Exceptions
- 1.05: Amendments
- 1.06: Building Permits
- 1.07: Severability
- 1.08: Interpretation

#### 1.01 PURPOSE.

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

#### 1.02 SHORT TITLE.

This chapter shall be known as the “Subdivision Ordinance of the City of Long Beach” and is referred to herein as “Subdivision Ordinance.”

#### 1.03 APPROVALS NECESSARY FOR SUBDIVISION AND PLATS.

Before any plat or subdivision may be recorded in the County recorder's office or be of any validity, it must comply with the requirements of this Subdivision Ordinance.

#### 1.04 EXCEPTIONS.

The provisions of this ordinance shall not apply to.

- A. A cemetery or burial plot while used for that purpose.
- B. Any division of land made by testamentary provision, the laws of descent, or upon court order.
- D. This Ordinance shall not interfere with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party.
- D. The Owner shall enforce covenants to the best of their ability; the City shall assume no responsibility for the enforcement thereof. Any restrictive covenant shall not conflict or invalidate City ordinances.

#### 1.05 AMENDMENTS.

The provisions of this Subdivision Ordinance shall be amended by the City Council following a legally advertised public hearing before the Planning Commission and in accordance with the law, including the rules and regulations of any applicable state or federal agency.

#### 1.06 BUILDING PERMITS.

No building permits shall be considered for issuance by the City for the construction of any building, structure or improvement to the land or to any lot in a subdivision until the requirements of this Subdivision Ordinance have been complied with.

#### 1.07 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Subdivision Ordinance is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this Subdivision Ordinance. This Subdivision Ordinance is not intended to repeal, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or with restrictive covenants running with the land except those specifically repealed by or in conflict with this Ordinance. Where this Subdivision Ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

#### 1.08 INTERPRETATION.

The language set forth in the text of this Subdivision Ordinance shall be interpreted in accordance with the following rules of construction.

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. All measured distances shall be expressed in feet and decimals of feet.

## SECTION 2 – RULES AND DEFINITIONS

### SECTION:

- 2.01: Rules of Grammar
- 2.02: Definitions

#### 2.01 RULES OF GRAMMAR.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition thereof.
- F. All measured distances expressed in feet shall be the nearest tenth of a foot.

#### 2.02 DEFINITIONS.

**ACCESS WAY:** A public or private right-of-way across a block or within a block to provide non-vehicular access, to be used by the general public.

**ALLEY:** A public or private right-of-way primarily designed to serve as secondary motor vehicle access to the side or rear of those properties whose principal frontage is on a street that is not intended for general traffic circulation.

**APPLICANT:** The owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.

**BEST MANAGEMENT PRACTICES (BMP's):** Best management practices as described in current Minnesota Pollution Control Agency's manual and other sources as approved by the City and/or County.

**BLOCK:** An area of land within a subdivision that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

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

**BUILDABLE LAND:** All land except wetlands, public waters, "major drainageways" as defined in the city's comprehensive plan, and land dedicated for county roads.

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING SETBACK LINE:** The distance by which a structure, parking area or other development feature must be separated from a lot line, ordinary high water level, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the street easement.

**CALIPER:** The diameter of replacement or new trees measured at a height of two (2) feet above the ground level.

**CERTIFICATE OF SURVEY:** A document prepared by a Registered Land Surveyor which precisely describes area, dimensions and location of a parcel or parcels of land.

**CITY:** The City of Long Beach.

**CLUSTER DEVELOPMENT:** The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land, while providing a unified network of open space and aesthetically pleasing areas and meeting the overall density regulations of this Subdivision Ordinance and the zoning ordinance.

**COMPREHENSIVE PLAN:** A comprehensive plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, 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, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**CONDOMINIUM:** A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.01 through 515.29.

**CONDITIONAL APPROVAL:** An affirmative action by the City indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

**CONTOUR MAP:** A map on which irregularities of land surface are shown by lines connecting points of equal elevations. "Contour interval" shall mean the vertical height between contour lines.

**CONVEYANCE:** The sale, trading, donation, or offer of sale or other transfer of land.

**CROSSWALK OR PEDESTRIAN WAY:** A publicly owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.

**CUL-DE-SAC:** A local street having one (1) end open to traffic and the other end being permanently terminated by a vehicular turn around.

**DESIGN STANDARDS:** The specifications and/or guidelines to landowners or those proposing to subdivide land for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

**DEVELOPER:** Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity submitting an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

**DEVELOPMENT:** Any acts relating to subdividing land, platting land, building structures and installing site improvements, including any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Subdivision Ordinance.

**DEVELOPMENT AGREEMENT:** A contract between the City and an applicant for a development project. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure, adhere to approval conditions and/or pay fees required by a new project.

**DEVELOPMENT PLAN:** A plan guiding the development of the property to the ultimate land use. The plan shall include but is not limited to: site analysis information, staging plan, grading plan, drainage plan and end use plan.

**DRAINAGE COURSE:** A watercourse or surface area for the drainage or conveyance of surface water.

**DUPLEX, TRIPLEX, QUAD:** A dwelling structure on a single lot, having two (2), three (3), and four (4) units, respectively being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

**EASEMENT:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**ENGINEER:** The registered engineer employed or retained by the City, unless otherwise stated.

**ESCROW:** The deposition of funds in an account maintained by the City for the purpose of ensuring fulfillment of certain obligations pursuant to this Subdivision Ordinance.

**FINAL APPROVAL:** Approval of the final plat by the City Council, as indicated by certification of the plat by the Mayor of the City, constitutes authorization to record a plat.

**FINAL PLAT:** A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by county for the purpose of recording.

**GHOST PLAT:** A sketch which illustrates, in concept only, the build out plan for an area of land either outside of the parcel being platted or which is an outlot within the plat, which includes but is not limited to future lot design, layout of streets and easements.

**GRADE: (Adjacent Ground Elevation)** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

**HORIZONTAL CURVE:** Those curves that change the alignment or direction of the street centerline.

**HYDRIC SOIL:** For the purposes of this Subdivision Ordinance, hydric soils shall include:

- A. Hydric soils as shown on the County Geographic Information System (GIS); or
- B. A field delineation of the hydric soils by a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service publication "Field Indicators of Hydric Soils in the United States".

**IMPERVIOUS SURFACE:** A constructed hard surface that prevents or retards 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, including rooftops; decks; sidewalks; patios; parking lots; storage areas; concrete, asphalt, or gravel driveways; and other similar surfaces.

**IMPROVEMENTS:** Pavement, curbs, gutters, sidewalks, sewer and water facilities, drainage facilities, street signs, street lighting, plantings and other items for the welfare of property owners and/or the general public.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM:** A sewage treatment system or part thereof, serving a dwelling, building, structure or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks.

**LAND DISTURBANCE:** Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or other construction activity.

**KEY MAP:** A small-scale map that definitively shows the area proposed to be platted in relation to known geographical features (e. g. regional feature, community centers, lakes and streets).

**LANDSCAPING:** The planting of trees and/or shrubs on a lot or outlot.

**LOT OR PARCEL:** A recorded lot or parcel of real property under single ownership, lawfully created as required by this Subdivision Ordinance and City ordinances, designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

**LOT AREA:** The gross lot area is the total area of the horizontal plane included within the front, rear and side lot lines.

**LOT, DEPTH:** The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The City shall determine lot depth for parcels of irregular configuration.

**LOT FRONTAGE:** The narrowest lot boundary abutting a public street that meets minimum lot width requirements. If none of the boundaries abutting a public street meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a street.

**LOT IMPROVEMENT:** Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

**LOT LINE:** A property boundary line of any lot held in single or separate ownership except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The City Council shall determine lot width for parcels of irregular shape.

**LOT, CONTROLLED ACCESS:** A riparian lot meeting the standards of this Subdivision Ordinance for a buildable lot, owned by more than one owner in undivided interest, provided with facilities and used for access and not containing a dwelling.

**LOT, CORNER:** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

**LOT, FLAG:** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.

**LOT, INTERIOR:** A lot, other than corner lot, abutting only one street.

**LOT, THROUGH:** An interior lot having frontage on two parallel or approximately parallel streets.

**LOT, TRIANGULAR:** A lot in which the side lot lines converge into a single vertex. The vertex shall be deemed to be the rear lot line.



**LOT LINE, FRONT:** The lot line separating a lot from the street right-of-way along the lot frontage. The Front Lot line on a corner lot shall be determined by the street to which the principal entrance to the Dwelling or Structure is located.

**LOT LINE, REAR:** The lot line opposite and most distant from the lot frontage which connects the side lot lines.

**LOT LINE, SIDE:** Lot lines extending away from the lot frontage, which connects the front and rear lot lines.

**METES AND BOUNDS DESCRIPTION:** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

**Natural Drainage System:** All land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

**OFFICIAL MAP:** The map adopted by the City Council showing the streets, highways, blocks and lots theretofore laid out and adopted by the City Council resulting from the approval of subdivision plats and the subsequent filing of such approved plats.

**ORDINARY HIGH WATER LEVEL (OHWL):** The boundary of public waters and wetlands, which is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

**OUTLOT:** A parcel of land shown on a subdivision plat as a outlot and designated alphanumerically by a capital letter (for example – Outlot A) and is land that is not part of a block and for which no building permit shall be issued. Outlots are used to designate one of the following.

- A. Land that is part of the subdivision but is to be subdivided into lots and blocks at a later date.
- B. Land that is to be used for a specific purpose as designated in a developer's agreement or other agreement between the City and the developer.
- C. Land that is for a public purpose.

**PARKS AND PLAYGROUNDS:** Public land and open space in the City dedicated or reserved for recreational purposes.

**PEDESTRIAN WAY:** A public right of way or public or private easement across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

**PERCENTAGE OF GRADE:** The slope of a road, street, or other public way, specified in percentage terms. The distance vertically from the horizontal in feet and tenths of a foot for each one hundred feet (100') of horizontal distance.

**PERSON:** Any individual or legal entity.

**PLANNED UNIT DEVELOPMENT:** A tract of land planned and developed to encourage a more creative and efficient development of land, while at the same time meeting the standards and purposes of the Comprehensive Plan for preserving the health, safety and welfare of the City and to allow for a mixture of residential units or residential and commercial units in an integrated and well-planned area and to ensure

the concentration of open space into more usable areas and preservation of natural resources of the site including wetlands, steep slopes, vegetation, and scenic areas.

**PLANNING COMMISSION:** The Long Beach Planning Commission.

**PRELIMINARY APPROVAL:** Approval of the preliminary plat by the City which constitutes authorization to proceed with final engineering plans and final plat preparation, taking into consideration any conditions for approval.

**PRELIMINARY PLAT:** A detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated which is submitted to the Planning Commission and governing body for their consideration, in compliance with the Comprehensive Plan, along with the required supporting data.

**PROPERTY OWNER:** The record owners of a parcel whether an individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in the land.

**PROTECTIVE COVENANTS:** Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners. The City shall not be responsible for enforcing protective covenants.

**PUBLIC IMPROVEMENT:** Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may effect an improvement, for which local government responsibility is or may be established.

**PUBLICATION:** An official notice as prescribed by Minnesota Statutes.

**RIGHT-OF-WAY:** Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.

**RIGHT-OF-WAY WIDTH:** The shortest distance between the lines delineating the right-of-way of a street.

**ROADWAY:** The portion of street right-of-way improved for vehicular travel.

**SETBACK:** The minimum horizontal distance by which a structure, parking area or other development feature must be separated from a lot line road, highway, other structure, sewage treatment system, an ordinary high water level, top of bluff, or other development feature. Setbacks from private streets are measured from the edge of the street easement or outlet.

**SKETCH PLAN:** A sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, uses, relationship to surrounding area, generalized natural features, easements, and any requested zoning change and other information required by this Subdivision Ordinance for review by the City. This plan shall be drawn to scale and dimensioned; however, exact accuracy is not a requirement.

**STEEP SLOPE:** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this section. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty feet (50') or more, which are not bluffs.

**STREET:** A public thoroughfare accepted by the city, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this section.

**STREETS, ARTERIAL:** Those streets carrying larger volumes of traffic and serving as links between various sub-areas of the City. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

**STREET, COLLECTOR:** A street which collects and distributes traffic between arterial and local streets. It provides access to abutting lands, within an urban area such as a residential neighborhood or industrial district.

**STREET, DEAD END:** A street, or a portion thereof, with only one vehicular traffic outlet.

**STREET, HALF:** A street having only one-half of its intended roadway width developed to accommodate traffic.

**STREET, LOCAL:** A street whose primary function is to provide direct access to abutting property containing single-family dwellings and which, by design, is usually a two-lane road.

**STRUCTURE:** Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Subdivision Ordinance, the term "structure" includes "buildings."

**SUBDIVIDING:** The creation of a subdivision, lot, parcel, or tract of land by dividing a lot, parcel, or tract into two or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.

**SUBDIVISION:** A described tract of land which is to be or has been divided into two or more lots, outlots, or parcels for the purpose of transfer of ownership, or building development, or if a new street is involved, any division of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**SURVEYOR:** A land surveyor registered under Minnesota State Statutes.

**TANGENT:** A straight line that is perpendicular to the radius of a curve at a point on the curve.

**TRACT:** A defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the City zoning ordinance, having not less than the minimum area required by said zoning ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street.

**TRAIL:** A linear component of the community's recreational system.

**UTILITIES:** Public or Private systems for the distribution or collection of water; gas; sewer (wastewater); storm water; electricity including all transformers, streetlights, telephone; and cable television service, etc.

**VARIANCE:** A modification of or variation from the literal provisions of this Ordinance consistent with the state enabling statute for municipalities, as applied to a specific property and granted pursuant to the standards and procedures of this Ordinance, except that a variance shall not be used for modification of the allowable uses within a district and shall not allow uses that are prohibited.

**VERTICAL CURVE:** The surface curvature on a street centerline located between lines of different percentage of grades.

**ZONING DISTRICT:** Any of the residential, commercial, industrial, public, or overlay districts established by the zoning ordinance, within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

**ZONING ORDINANCE:** The City of Long Beach Zoning Ordinance.

## SECTION 3 – DATA REQUIREMENTS AND PROCEDURE FOR PLATS

### SECTION:

- 3.01: Sketch Plan Contents
- 3.02: Sketch Plan Process
- 3.03: Preliminary Plat Contents
- 3.04: Preliminary Plat Process
- 3.05: Final Plat Contents
- 3.06: Certification Required
- 3.07: Final Plat Process
- 3.08: Minor Subdivisions
- 3.09: Premature Subdivisions

### 3.01 SKETCH PLAN CONTENTS.

In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this Subdivision Ordinance, and the requirements or limitations imposed by other City ordinances, plans and/or policies, prior to the preparation of a preliminary plat, all applicants shall present a sketch plan to the City prior to filing a preliminary plat. Approval of the sketch plan shall not be considered binding in regard to subsequent plat review.

A. Sketch Plan contents. The sketch plans shall contain, at a minimum, the following information:

1. Proposed name of subdivision.
2. Plat boundary and legal description of property.
2. North arrow.
3. Scale.
4. Street layouts and names on and adjacent to the proposed plat.
5. Designation of land use and current and proposed zoning.
6. Significant topographical or physical features, including basins, lakes, streams, rivers, or other waterways bordering on or running through the subject property and delineation of any or portions of any wetlands within or adjacent to the subject property.
7. General lot locations and layout and proposed density.
8. Proposed playgrounds, parks and recreational facilities.
9. Unique land characteristics and general topography.
10. Preliminary description of sanitary sewer, potable water and general drainage improvements.
11. Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in this Subdivision Ordinance.
12. Additional written data shall include approximate number of lots, typical lot width and depth, and what zoning changes would be required.

### 3.02 SKETCH PLAN PROCESS.

- A. Pre-application/sketch plan meeting. Prior to the preparation of a preliminary plat, the applicant shall meet with the City in order to be made aware of all applicable ordinances, regulations and plans in the area to be subdivided. At such time or at subsequent meetings, the applicant shall submit ten (10) large-scale (22" x 34") copies and one (1) reduced scale (8 1/2" x 11") copies of a sketch plan of the proposed subdivision, including future phases, and an estimated timetable for development.
- B. Submission of a sketch plan shall not constitute formal filing of a plat with the City. The City shall arrange a pre-application meeting with the developer and City representatives, as deemed necessary, to provide the developer with input on the proposed sketch plan. The City, notably in the case of multiphased projects, shall have the authority to refer the sketch plan to the Planning Commission and/or City Council for review and comment. Any advice, comments or recommendations for modifications made by the Planning Commission or City Council are advisory only and shall not constitute approval or a commitment to approve.
- C. As far as may be practical on the basis of a sketch plan, the City will informally advise the developer as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Subdivision Ordinance and will discuss possible plan modifications necessary to secure conformance.
- D. The developer shall be responsible for costs associated with the review of the sketch plan, preliminary plat and final plat, in accordance with the fee schedule of the City.

### 3.03 PRELIMINARY PLAT CONTENTS.

The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subsections that follow. Upon specific request, the City may exempt an applicant from the submission of data which is not considered relevant to the application.

- A. Proposed conditions.
  - 1. The proposed name of the subdivision; names shall not duplicate or be alike in pronunciation to the name of any plat previously recorded in the County.
  - 2. Boundary lines to include bearings, distances, curve data, and total acreage of proposed plat, clearly indicated.
  - 3. Proof Of Ownership.
    - a. Current title commitment or current title opinion for abstract property and a certificate of title for registered property (torrens).
    - b. Written authorization from current owner, if current owner is not making application for platting.
    - c. Name, address and phone number of the record owner(s), any agent having control of the land, the applicant, land surveyor, engineer and designer of the plan.
  - 4. Graphic scale at a minimum of one (1) inch to one hundred (100) feet, except as specifically approved by the City.
  - 5. North point and key map of the area, showing well-known geographical points for orientation within a one-half (1/2) mile radius.

6. Date of preparation.
7. The legal description of the land contained within the subdivision.
8. Total area of the proposed plat, in acres.
9. Existing and proposed covenants.
10. A list of any liens or encumbrances.
11. Elevation benchmarks used for the topographic survey and datum on which they are based.
12. Reference to the Pope County Coordinate System for the topographic survey.
13. Results of site evaluation, including percolation tests and soil borings.

B. Existing Conditions:

1. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
2. Existing zoning classifications for land in and abutting the subdivision.
3. 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 lines within the plan, to a distance of one hundred fifty (150) feet beyond the plat.
4. Location, size, and elevations of existing sanitary sewer, water mains, wells, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred feet (100') beyond. Such data as top grades and locations of catch basins, manholes, elevations, invert elevations, and the street pavement width and type also shall be shown.
5. Boundary lines of adjoining un-subdivided or subdivided land, within one hundred feet (100') of the plat, identified by name and ownership, including all contiguous land owned or controlled by the applicant.
6. Topographic data, including contours at vertical intervals of not more than two (2) foot shown on a contour/topographic map. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features also shall be shown. U.S.G.S. datum shall be used for all topographic mapping.
7. Subsurface conditions on tracts for subdivisions utilizing individual sewage treatment systems and wells; location and results of tests to ascertain subsurface soil, rock and groundwater conditions and availability; and location and results of soil percolation tests.
8. Ordinary high water elevations of adjacent lakes and wetlands.
9. A statement certifying the environmental condition of the site including the presence of any known hazardous substance as defined in Minnesota Statutes 115B.02, Subd. 8. Such statement may be required to be based upon an environmental assessment or Phase 1 of the site by an environmental engineer acceptable to the City.
10. Geotechnical data with surface and subsurface soils and groundwater in sufficient detail to show the site to be suitable for the development proposed.
11. A vicinity map at, at least 4" x 4" in size on the full size plans, showing the relationship of the proposed subdivision to adjacent properties, roads, right-of-ways, and other property and

subdivision within three hundred-fifty feet (350) of the proposed subdivision, and the relation of the plat to the surrounding zoning districts.

12. All existing survey monuments that have been found.
13. Areas in the plat which have been designated as shoreland, wetlands and/or floodplain by the Department of Natural Resources.
14. An indication as to which lands are registered torrens property or abstract property. If land is abstract property, a registered land survey shall be required.
15. Location and size of significant trees and wooded areas.
16. Existing impervious surface areas.
17. Location, dimension and purpose of all easements.

C. Proposed Design Features.

1. Layout of proposed streets showing the right-of-way widths, centerline grades, roadway widths, typical cross-sections, and proposed names of streets in conformance with City street identification policies. The name of any street proposed in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
2. Locations and widths of proposed alleys and pedestrian ways.
3. Gradients of proposed streets, sewer lines and water mains.
4. Location, dimension and purpose of all easements.
5. Layout, numbers, lot areas and preliminary dimensions of lots, blocks, and outlots. The total number of proposed lots, with minimum, maximum and average size in square footage.
6. Minimum front, rear and side street building setback line.
7. When lots are located on a curve, the width of the lot at the building setback line.
8. Building pads intended for construction.
9. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such an area or areas in acres.
10. Water supply.
  - a. If applicable, the proposed location and sizing of public water system mains and service connections to be provided as part of initial construction or to be provided at a later date.
  - b. If applicable, the location and sizing of proposed on-site water systems.
11. Sewage disposal.
  - a. If applicable, the proposed location and routing of public sewer mains and service connections proposed as part of initial construction or to be provided at a later date.
  - b. If applicable, the location and size of proposed individual sewage treatment systems.

12. Grading plan with minimum two (2) foot contours which shall include the proposed grading and drainage of the site, including provisions for surface water ponding and drainage. Also to be stipulated are the garage floor, first floor, and basement elevations of all structures. The Plan shall include 100-year storm elevations for ponds.
  13. Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in accordance with the zoning ordinance and by use of the one hundred (100) year flood profile and other supporting technical data in the Flood Insurance Study.
  14. The location, size and proposed improvements for proposed parks, playgrounds and public open spaces and or other special uses of land to be considered for dedication to public use and maintenance 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.
  15. Proposed pedestrian ways and trails.
  16. Landscape Plans detailing the following.
    - a. Detailed natural land analysis including vegetation, soil types and slopes.
    - b. Man-made features.
    - c. Details of all proposed vegetative landscaping materials, including placement, Latin name, common name, caliper/height and quantity.
    - d. Details of all proposed non-vegetative land landscaping and screening materials.
    - e. Planting and construction schedule for completion of landscaping and screening plans. The final landscaping and screening plan must be approved by the Planning Commission at the time of the review.
  17. Proposed Impervious areas.
- D. Supplementary Information: Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or the City Council to adequately address the application and site in question.
1. Proposed protective covenants or private restrictions, as well as proposed administrative and enforcement controls.
  2. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry and if known location and size of parking lots, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population. The City may require the applicant to have formal traffic or other studies performed to the City's satisfaction which show the effect of the proposed development on traffic, fire hazards, congestion, or other matters of public concern.
  3. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.
  4. Where the applicant owns property adjacent to that which is being proposed for the subdivision, it shall be required that the applicant submit a ghost plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions and land uses.



5. Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the preliminary plat shall include a ghost plat that indicates a logical way in which the lots could possibly be re-subdivided in the future.
6. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system. Such plans are to be in accordance with the technical standards and specifications of the Minnesota Pollution Control Agency.
7. Drainage calculations for all on-site storm water management systems (i.e. ponds, storm sewer, culverts, etc.).
8. An environmental assessment worksheet shall be submitted if the City, Minnesota Environmental Quality Board or other groups or agencies determine that one is required by law.
9. Applications, statements and supporting documentation and plans for rezoning, variances, conditional use permits or planned unit development approvals being sought for the subdivision.
10. Proof of review by other affected agencies (County, Mn/DOT, DNR, Corps of Engineers, etc.).
11. A statement describing the proposed phasing of the plat and number of lots to be developed with each phase.
12. Such other applicable information as may be required by the City.

#### 3.04 PRELIMINARY PLAT PROCESS.

- A. Filing. After the pre-application meeting and City review of the sketch plan, the applicant shall prepare a request for review of the preliminary plat for the subdivision, as provided within this Subdivision Ordinance. The request shall be filed with the City on an official application form. Such application shall be accompanied by ten (10) large-scale (22" x 34") copies and one (1) reduced scale (8 1/2" x 11") copy of the preliminary plat and related plans and a list of property owners located within three hundred and fifty feet (350') of the subject property obtained from and certified by an abstract company. The required filing fee(s) as established by City Council resolution shall be paid and any necessary applications for variances from the provisions of this Subdivision Ordinance shall be submitted with the required fee. The plat shall be officially submitted when all the information requirements are complied with.
- B. Review By Other Commissions or Jurisdictions. The City shall refer copies of the preliminary plat to the county soil and water conservation district; county, state, or other public jurisdictions for their review and comment, where appropriate and when required.
- C. Planning Commission Action.
  1. The City, upon receipt of the application, shall set a public hearing for public review of the preliminary plat. The hearing shall be held after adequate time has been allowed for staff and advisory body review of the plat. Notice of the hearing shall consist of a legal property description and description of request and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred and fifty feet (350') of the boundary of the property in question. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Subdivision Ordinance.

2. The City shall instruct the appropriate staff to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action.
3. Unless excused by the Planning Commission, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
4. The Planning Commission shall conduct the hearing and recommend such actions or conditions relating to the request, as they deem necessary to carry out the intent and purpose of this Subdivision Ordinance. Such recommendation shall be accompanied by the report and recommendation of the City staff.

K. City Council Action.

1. The City Council shall act upon the preliminary plat within one hundred twenty (120) days from the date of submission of a complete application, unless an extension of the review period has been provided by the applicant.
2. Upon receiving the report and recommendation of the Planning Commission and the City staff, the request shall be placed on the agenda of the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
3. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary, and may impose any condition it considers necessary to carry out the purpose and intent of this title.
4. If, upon receiving said report and recommendations of the Planning Commission and the City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
5. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the City Council. If the preliminary plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this title to be indicated on the final plat. The City Council may require such revisions in the preliminary plat and final plat, as it deems necessary to carry out the purpose and intent of this title.
6. If the preliminary plat is approved by the City Council, the subdivider must submit the final plat within one (1) year after the approval or approval of the preliminary plat shall be considered void, unless:
  - a. A request for time extension is submitted in writing to the City prior to the expiration of the one (1) year period. Requests for an extension beyond one (1) year from the date of preliminary plat approval shall be subject to approval by the City Council.

3.05 FINAL PLAT CONTENTS.

The owner or subdivider shall submit a final plat, final grading plan, final erosion control plan and final utility plan, together with any necessary supplementary information. The final plat, prepared for recording

purposes, shall be prepared in accordance with provisions of state statutes and Pope County surveyor's plat review regulations, and such final plat shall contain the following information.

- A. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing platted subdivisions within Pope County. Proposed names must be verified with the County recorder.
- B. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error closure of any portion of a final plat shall be one foot (1') in seven thousand five hundred feet (7,500').
- C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
- D. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
- E. Lots and outlots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.
- F. The exact locations, widths and names of all streets to be dedicated.
- G. Location and width of all easements to be dedicated.
- H. Name and address of land surveyor making the plat.
- I. Scale of the plat shall be 10, 20, 30, 40, 50, 60 or 100 scale with the scale shown graphically on a bar scale along with the date and north arrow.
- J. Statement dedicating all easements as follows.  
  
*"Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the designated areas marked 'drainage and utility easements'."*
- K. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows.  
  
*"Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use hereby so dedicated."*
- L. The final grading plan, final erosion control plan and the final utility plan must be prepared in accordance with the current City specifications.
- M. A title report prepared by a title company indicating owners and encumbrances on the property and a statement as to which parts of the property are registered (torrens).
- N. Construction cost estimates for all required basic improvements.
- O. A drawing listing the following information shall be provided with the final plat.
  - 1. Total acreage per lot and block.
  - 2. Gross acres.

3. Net developable acres.
  4. Comprehensive plan land use designation.
  5. Existing and/or proposed zoning.
  6. Gross unit density.
  7. Net unit density.
  8. Acres of right of way.
  9. Acres of wetland.
  10. Acreage of each outlet.
- P. Other data. Such other information that may be required by the City at the time of final plat approval or shortly thereafter, including, but not limited to.
1. Financial guarantee of cash escrow or letter of credit.
  2. A certified mylar copy of the plat evidencing filing of the plat with the County within sixty (60) days after approval by the City. No building permits shall be approved for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by County.
  3. Three complete sets of 11" x 17" reproducible as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the City within one hundred and twenty (120) days after the construction is complete and approved by the City. In addition one digital GIS formatted copy and one scanned copy for imaging shall be submitted to the City.
  4. Deed restrictions and protective covenants which involve a matter of public concern.
  5. Permits and plans required by County, MnDOT, Minnesota Pollution Control Agency, Minnesota Department of Health, DNR, etc.
  7. Upon adoption and filing of a final plat, the City shall prepare a street address map and distribute it to all required parties.
  8. A disk of the recorded plat in ArcView, AutoCadd or other approved digital format for inclusion in the City's base map.

### 3.06 CERTIFICATION REQUIRED.

- A. Certification by registered surveyor in the form required by Minnesota statutes section 505.03, as amended.
- B. The names and signatures required by Minnesota statutes section 505.021, as amended, shall appear on the plat.
- C. Space for certificates of approval and review to be filled in by the signatures of the mayor and city clerk.

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

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

Signed:  
Mayor

Attest:  
City Clerk

### 3.07 FINAL PLAT PROCESS.

Pursuant to Minnesota statutes 462.358 subdivision 3b, an application for a final plat shall be approved or denied within sixty (60) days from the date of its official and complete submission unless a time waiver is granted by the applicant. Additional City requirements are as follows.

- A. Review. After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the subsections which follow. Such application shall be accompanied by ten (10) large-scale (22" x 34") copies and one (1) reduced scale (8 1/2" x 11") copy of the final plat and related plans. The City may agree to review the preliminary and final plats simultaneously. Request for final plat approval, as provided within this Subdivision Ordinance, shall be filed with the City on an official application form. Unless modified by the City Council, such application shall be accompanied by a fee as provided for by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the City shall notify the applicant, in writing, within ten (10) days of the date of submission.
- B. Recommendation.
  1. Five (5) copies of the final plat including all information shall be submitted to the City.
  2. The City shall examine the final plat and refer the final plat to the Planning Commission for review. The Planning Commission shall prepare a recommendation as to approval, disapproval or any delay in decision of the final plat, which recommendation shall be conveyed to the subdivider prior to review by the City council.
- C. Approval of The City Council.
  1. The final plat, together with the recommendations of the Planning Commission and other jurisdictions, shall be submitted to the City Council for approval.
  2. If accepted, the final plat shall be approved by resolution, providing for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the City Council.
  4. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the City Council and reported to the person or persons applying for such approval within ten (10) days of the City Council's action.
- D. Special Assessments. When any existing special assessments which have been levied against the property described, they shall be divided and allocated to the respective lots in the proposed plat, the City shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the county auditor, and making such division and allocation, and upon approval by the City Council of such cost, the same shall be paid to the City before the final plat approval.
- E. Recording Final Plat. If the final plat is approved by the City Council, the subdivider shall record it with the county recorder within one hundred (100) days after said approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. The subdivider shall, immediately upon recording, furnish the City

with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by the county.

- F. Recording Final Plats Of Multi-phased Plats: If a preliminary plat is final platted in stages unless otherwise provided in the development contract, all stages must be final platted into lots and blocks, not outlots, within two (2) years after the preliminary plat has been approved by the City Council or the preliminary plat of all phases not so final platted within the two (2) year period shall be void.

### 3.08 MINOR SUBDIVISIONS.

- A. This Section shall apply to the following applications.

1. In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to zoning ordinance lot size minimum standards.
2. In the case of a request to combine two (2) existing platted lots.
3. In the case of a request to divide a lot from a larger tract of land and thereby creating no more than two lots, both of which conform to zoning ordinance minimum standards. To qualify, the parcel of land shall not have been part of a minor subdivision within the last five (5) years.
4. Consolidations. The owner of two (2) or more contiguous parcels or lots of record may, subject to the Planning Commission and City Council review and approval, consolidate said parcels into one (1) parcel of record. The proposed parcels shall not cause any portion of the existing lots, parcels, or existing building to be in violation of the zoning ordinance.
5. Corrections. When a survey or description of a parcel or lot has been found to be inadequate to describe the actual boundaries, approval of a corrective subdivision may be requested. This type of subdivision creates no new lots or streets.
6. In the case of a request to divide a base lot which is a part of a recorded plat on which has been constructed a two-family dwelling, townhouse or quadraminium, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Subdivision Ordinance, the zoning ordinance, or the state building code.

- B. Content and Data Requirements.

1. The data and supportive information detailing the proposed subdivision shall be as follows.
  - a. Certificate of Survey. The requested minor subdivision shall be prepared by a registered land surveyor in the form of a certificate of survey. If the property affected is registered land, a registered land survey shall be required. Ten (10) copies of the survey shall be submitted to the City not less than two (2) weeks prior to the next Planning Commission meeting. Contents of the certificate of survey shall include:
    - i. North arrow.
    - ii. Lot sizes in square feet, prior to and after the proposed split.
    - iii. Existing buildings and setbacks from proposed lot lines.
    - iv. Tree cover and existing vegetation.

- v. Legal descriptions for the parcels to be created.
  - vi. All encroachments, easements of record or rights of way encumbering the property.
  - vii. Water courses, including delineated wetlands. The ordinary high water level (OHWL) of any DNR protected waters, public waters and the one hundred (100) year flood elevations.
  - viii. Legal descriptions for the existing parcels and the parcels to be created.
- b. Additional Information: In addition to the certificate of survey, the applicant shall submit the following.
- i. A special assessment search.
  - ii. Property owners names, addresses and contact information and proof of ownership.
  - iii. Zoning of all affected parcels.
3. The minor subdivision shall conform to all design standards as specified in the City's zoning ordinance and this Subdivision Ordinance. Any proposed deviation from said standards shall require the processing of a variance request.

C. Procedure.

1. A development application form with required fees shall be submitted to the City.
2. Minor subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review of the Minnesota Department of Transportation and/or Pope County Highway Department.
3. Minor subdivision of land located within the Shoreland Management Overlay District or floodplain shall be subject to review of the Minnesota Department of Natural Resources.
4. The Planning Commission and City staff shall have the authority to request additional information from the applicant pertinent to the minor subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
5. The City shall instruct the appropriate planning, engineering, and legal staff to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action for the Planning Commission and City Council.
5. The City shall forward the request on to the Planning Commission for review and the Planning Commission shall make a recommendation to the City Council.
6. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall act upon the minor subdivision within sixty (60) days from the date of submission of a complete application, unless an extension has been provided by the applicant, pursuant to Minnesota Statutes 15.99.
  - a. The City Council may approve the minor subdivision with conditions that must be met to ensure the minor subdivision is compliant with the regulations of this Subdivision Ordinance and zoning ordinance, as may be amended, and other applicable requirements.

- b. The City Council shall prepare findings and deny a minor subdivision if it is found to be premature or fails to comply with regulations of this Subdivision Ordinance and the zoning ordinance, as may be amended, or other applicable requirements.
- D. Recording. If the minor subdivision is approved by the City Council, the applicant shall record the deed and the accompanying certificate of survey, in the office of the Pope County Recorder within ninety (90) days after the date of approval, otherwise the approval of the minor subdivision shall be considered void.

### 3.09 PREMATURE SUBDIVISIONS.

Any preliminary plat, final plat and/or development deemed premature pursuant to the criteria listed below shall be denied by the City Council. A plat or development may be deemed premature should any one or more of the conditions set forth in the following provisions exist.

- A. Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if.
  - 1. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures, or erosion and siltation on downhill or downstream land.
  - 2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
  - 3. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
  - 4. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.
- B. Lack of Adequate Water Supply. A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- C. Lack Of Adequate Roads or Highways To Serve The Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when.
  - 1. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of Pope County and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use.
  - 2. The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.
- D. Lack of Adequate Waste Disposal Systems: A proposed subdivision shall be deemed to lack adequate waste disposal systems if.
  - 1. In subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the City's comprehensive plan, as may be amended.



2. In subdivisions where sewer lines are neither available nor proposed, there is inadequate on site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the City's comprehensive plan, as may be amended.
- E. Lack of Environmental Review. The developer fails to complete an Environmental Assessment Worksheet (EAW) or other required environmental reviews.
- F. City Service Capacity: A proposed subdivision shall be determined to lack necessary City service capacity when services such as recreational facilities, police and fire protection, and other city services, which must be provided at public expense, cannot reasonably be provided for within the next two (2) years.
- G. Threat to Environmentally Essential Areas: The proposed subdivision is inconsistent with policies and standards of the City, the County, the State, or Federal Government relating to environmentally sensitive areas and protections.
- H. Inconsistency with Comprehensive Plan. A proposed subdivision shall be deemed inconsistent with the city's comprehensive plan when the subdivision is inconsistent with the purposes, objectives and recommendations of the adopted Long Beach comprehensive plan, as may be amended.
- I. Burden of Establishing. The burden shall be upon the applicant to show that the proposed subdivision or development is not premature.

## SECTION 4 – DESIGN STANDARDS

### SECTION:

- 4.01: Zoning Ordinance and Official Map Consistency
- 4.02: Blocks
- 4.03: Lots
- 4.04: Streets and Alleys
- 4.05: Sanitary Sewer and Water Distribution Improvements
- 4.06: Sewage Disposal for Areas Without Central or Public Services
- 4.07: Wetlands
- 4.08: Erosion and Sediment Control
- 4.09: Storm Drainage
- 4.10: Easements
- 4.11: Protected Areas
- 4.12: Dedication Requirements
- 4.13: Dedication of Storm Water Holding Areas
- 4.14: Maintenance of Private Open Space
- 4.15: Minimum Design Features

#### 4.01 ZONING ORDINANCE AND OFFICIAL MAP CONSISTENCY.

Subdivisions and preliminary and final plats may only be approved if they are consistent with the City's zoning ordinance and official maps.

#### 4.02 BLOCKS.

- A. Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential, commercial and industrial lots required in the area by the zoning ordinance and to provide for convenient access, circulation control and safety of street traffic.
- B. Block Length: In general, intersecting streets shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand two hundred (1,200) feet nor be less than three hundred (300) feet in length, except where topography or other conditions justify a departure from this minimum. In blocks longer than nine hundred (900) feet, ten (10) foot wide pedestrian rights-of-way and/or easements through the block may be required in locations deemed necessary for the public health, convenience and necessity. Suitable surfacing shall be provided in pedestrian ways.
- C. Block Width: The width of the block shall normally be sufficient to allow two (2) tiers of lots of minimum depth as required by the zoning ordinance except adjoining a lake, stream, major drainageway, railroad or arterial or where one tier or lot is necessary because of topographic conditions. Blocks intended for business or industrial uses shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking, deliveries and loading. Such facilities shall be provided with safe and convenient limited access to the street system.

#### 4.03 LOTS.

- A. Area. The minimum lot area, width and depth shall not be less than that established by the zoning ordinance in effect at the time of adoption of the final plat.

- B. Side Lot Lines. Side lines of lots shall be at approximately right angles to street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a different arrangement or the City finds such deviation acceptable.
- C. Frontage. Every lot must have the minimum frontage on a City approved public street other than an alley, as required in the zoning ordinance.
- D. Access. Each lot shall directly access a public street. In cases where special conditions require an alternative means of access, it shall be subject to the review of the Planning Commission and approval of the City Council.
- E. Setback Lines. Setback or building lines shall be shown on all lots and shall not be less than the setback required by the zoning ordinance, as may be amended.
- F. Drainage. Lots shall be graded so as to provide drainage away from building locations, subject to the approval of the City. A development plan shall be submitted showing all lot grading and drainage provisions.
- G. Features. In the subdividing of any land, due 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.
- H. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must either be platted as an outlot or be added to adjacent lots, rather than allowed to remain as unusable parcels.
- I. Lot boundaries. No lot shall be divided by a boundary line between registered land and abstract property.
- J. Corner Lots. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the zoning ordinance.
- K. Re-Subdivision of 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 re-subdivision, with provision for adequate utility connections for such re-subdivision. This shall be illustrated on the ghost plat.
- L. Political Boundaries. No singular plat shall extend over political jurisdictional boundaries or school district line without documented notification to the affected units of government.
- M. Through Lots or Double Frontage Lots. Through lots or lots with frontage on two (2) parallel streets shall not be permitted except: where lots back on major collector or arterial streets, county or state highways, or where topographic or other conditions render subdividing otherwise unreasonable.
- N. Irregular Shaped Lots. On single-family residential lots determined to be irregular in shape (e.g., triangular), the developer shall demonstrate to the City an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.
- O. Turn-Around Access. Where proposed residential lots abut a collector or arterial street, they shall be platted in such a manner as to encourage turn-around access and egress on each lot and discourage direct access onto such streets.
- P. Access to Arterial Streets and Major Collector Streets. In the case where a proposed plat is adjacent to a limited access highway, other major highway, or other arterial street, (said streets to be defined by the City's Comprehensive Plan) 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 arterial streets where there is no other alternative, a temporary entrance may be granted, subject to terms and conditions defined by the City Council and applicable County or state agencies. As neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permit shall become void.

- Q. Access to Minor Collector Streets. Direct vehicular access from individual lots to minor collector streets shall be prohibited where possible and subject to the determination of the City Council. In such cases where direct lot access to minor collector streets is allowed, special traffic safety measures including, but not limited to, provisions for on-site vehicle turn around shall be required.
- R. Access Spacing. The number of vehicle access points for individual lots shall be one (1) access per every one hundred feet (100'). The City Council can approve more than one (1) access point, if requested, per every one hundred feet (100'),
- S. Outlots. In such cases where outlots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Said outlots are also prohibited from qualifying for building permits, until re-subdivided.
- T. Monuments. Lot corners shall be designed with one-half inch diameter pipe, eighteen (18) inches in length, and shall be inscribed with the registration number of the registered land surveyor making the survey as prescribed in MN Statutes, Chapter 505.
- U. Twinhome Lot Subdivisions. The subdivision of a base lot containing twinhome dwelling units to permit individual private ownership of a single dwelling within such a structure shall be subject to the following requirements:
  - 1. A property maintenance agreement shall be arranged by the applicant and submitted to the City for review and approval. The agreement shall ensure the maintenance and upkeep of the structure and the lot to meet minimum City standards. The agreement is to be filed with the Pope County recorder's office as a deed restriction against the title of each unit lot.
  - 2. Separate utility service shall be provided to each subdivided unit and shall be subject to review and approval of the City.

#### 4.04 STREETS AND ALLEYS.

- A. Street Layout. Proposed streets shall conform to State, County, and City highway/street plans which have been prepared, adopted and/or filed as prescribed by law. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, to their appropriate relationship to the proposed uses of the area to be served and in compliance with the City's Comprehensive Plan.
- B. Streets, Continuous. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions by carrying the new streets to the boundaries of the new subdivision at appropriate locations, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. A temporary turn-around facility shall be provided at the closed end, in conformance with cul-de-sac size requirements. Temporary facilities shall not require curb and gutter and the construction standards shall be established by the City. Construction of said streets shall be to the boundary of the plat.
- C. Street Plans For Future Subdivisions. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a sketch plan of a proposed future street system and lot layout for the unsubdivided portion shall be prepared and submitted by the subdivider.

- D. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.
- E. Provisions for Re-Subdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels which have the potential for further subdivision with the installation of public utilities, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.
- F. Cul-De-Sacs/Dead End Streets.
1. Permanent dead end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts with temporary cul-de-sacs, or when designed as cul-de-sac streets.
  2. The length of a permanent cul-de-sac street shall not be less than one hundred fifty feet (150') nor longer than eight hundred feet (800') and shall include a turnaround which shall be provided at the closed end, with a right of way radius not less than sixty feet (60'). The length of the cul-de-sac shall be measured from the intersection of the centerlines of the cul-de-sac and the intersecting street to the center point of the cul-de-sac right of way turnaround. Cul-de-sac streets shall only be allowed where area topography or other physical site conditions warrant a cul-de-sac, dead-end design.
  3. In areas determined by the City to be environmentally sensitive, deviations to the permanent cul-de-sac design standards may be allowed, provided that.
    - a. Right of way dedication, excluding turnaround area, may be reduced from sixty feet (60') to no less than fifty feet (50').
    - b. Street widths measured from back of curb to back of curb may be reduced from thirty two feet (32') to no less than twenty eight feet (28').
    - c. The following standards are met.
      - (1) All lots shall meet or exceed the minimum standards for the applicable zoning district.
      - (2) The required drainage and utility easement in the front yard of lots shall be not less than fifteen feet (15').
      - (3) All custom graded lots shall have a custom grading plan, tree preservation plan, and preapproved site/building plan prior to the issuance of building permits.
      - (4) Any reduction in front yard setbacks shall be processed according to provisions of the zoning ordinance.
- G. Temporary Cul-De-Sacs.
1. In those instances where a street is terminated pending future extension in conjunction with future subdivision and there is more than two hundred feet (200') or two (2) dwelling units accessed between the dead end and the nearest intersection, a temporary turnaround shall be provided at the closed end in conformance with cul-de-sac requirements.
  2. The temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside street right of way.

3. The temporary cul-de-sac shall be paved with bituminous within one year of construction.
  4. The developer shall submit a cash escrow in an amount as determined by the City for removal of the temporary cul-de-sac and restoration of the area limited to placement of sod and asphalt driveway within the temporary roadway easement.
- H. Half Streets. Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided. All lots having frontage or access solely from a half street are prohibited from being eligible for building permits.
- I. Reverse Curves. Minimum design standards for collector and arterial streets shall comply with Minnesota state aid design standards.
- J. Private Streets. Private streets shall be prohibited unless approved through a planned unit development under the provisions of the zoning ordinance.
- K. Subdivisions Abutting Major Rights of Way. Wherever the proposed subdivision contains or is adjacent to the right of way of a U.S. or state highway or arterial, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right of way; provided, that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between such street and right of way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.
- L. Alleys. Alleys, where provided, shall not be less than thirty feet (30') wide. Dead end alleys shall be avoided wherever possible, but if unavoidable, such dead end alleys may be approved if adequate turnaround facilities are provided at the closed end as determined by the City.
- M. Parking Design. Parking which requires backing into the public streets shall be prohibited, except in the case of single family and two family dwelling units.
- N. Street Intersections. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be eighty degrees (80°). Street intersection jobs with an offset of less than one hundred twenty five feet (125') shall be avoided.
- O. Street Intersection Offsets. Street intersection jogs with centerline offsets of less than two hundred feet (200') shall be prohibited.
- P. Compliance with the Pope County Transportation Plan. All subdivisions incorporating streets which are identified in the county transportation plan, as amended, shall comply with the minimum right of way, surfaced width, and design standards as outlined in said plan, and must be reviewed and approved by Pope County.
- Q. Street Grades. Except when, upon the recommendation of the City, the topography warrants a greater maximum, the grades in all streets, arterials, collector streets, local streets and alleys in any subdivision shall not be greater than ten percent (10%). In addition, there shall be a minimum grade on all streets and arterials of not less than five-tenths percent (0.5%) unless approved by the City because of existing conditions.
- R. Curb Radius. The minimum curb radii for arterials, collector streets, local streets and alleys shall be as follows.
1. Alleys and Driveways shall be five feet (5').

- 2. Arterial and Collector Streets shall be twenty feet (20').
  - 3. Local Streets shall be fifteen feet (15').
  - 4. Corners at the entrances to the turnaround portions of cul-de-sacs shall be not less than thirty feet (30').
- S. Right of Way Widths. Unless approved by the City to match existing adjacent right of way, street right of way widths shall conform to the following standards.

Function Classification	Right Of Way Width
Arterial	100 feet
Major collector	80 feet
Minor collector	66 feet
Local	60 feet
Alley	30 feet

- T. Extra Width. Additional right-of-way and roadway widths may be required by the City to promote public safety and convenience.
- U. Street Width and Sections. The street width and street section shall comply with design standards as set forth in the City standard specifications. All street designs are subject to the review and approval of the City.
- V. Tangents. A tangent of at least one hundred feet (100') shall be introduced between reverse horizontal curves on streets.
- W. Deflections. When connecting street lines deflect from each other at one point by more than ten degrees (10°), they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred feet (500') for arterials, three hundred feet (300') for collectors, and two hundred feet (200') feet for all other streets. The City Council may allow greater or lesser sight distances.
- X. Centerline Curvature. The minimum horizontal curvature of streets shall be in accordance with the MN/DOT Highway Design Manual for the type of street and design speed. The minimum radius of curvature shall be three hundred feet (300').
- Y. Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, of these curves shall be in accordance with the MN/DOT Highway Design Manual for the type of street and design speed.
- Z. Seeding or Sodding. Any areas disturbed within the street right of way, at the time of construction, shall be restored with a minimum of four inches (4") of topsoil and shall be seeded or sodded as directed by the City.
- AA. Functional Classification. Streets within the City shall be dedicated in accordance with their functional classification as designated within the City's comprehensive plan as may be amended and approved by the City.
- BB. Dedication. All proposed streets shown on the plat shall be offered for dedication as public streets right of way.

4.05 SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS.

- A. Private Sanitary Sewer and Water Service. Where public sanitary sewer and water facilities are not available for extension into the proposed subdivision, individual sewer systems and private

wells may be used. Private wells shall conform to the standards of the Minnesota Department of Health requirements and individual sewer systems shall conform to standards of the Minnesota Pollution Control Agency.

- B. Public Sanitary Sewer Disposal. Extension of the public sanitary sewer system, shall be designed so as to provide public sewer service to each lot. Sanitary sewers shall be installed to serve all properties in the subdivision. Sanitary sewer shall be installed as required by standards and specifications approved by the City Council. Sanitary sewer lines shall be extended to the edges of the development to facilitate future subdivisions.
- C. Public Water Service. At such time public water supply becomes available to the City, said watermain shall be installed to serve all properties within the subdivision. Watermain shall be installed as required by standards and specifications approved by the City Council. Watermain shall be extended to the edges of the development to facilitate future subdivisions.
- D. Connection to Public Sanitary Sewer.
  - 1. At such time as a public sanitary sewer becomes available to a property serviced by a private sanitary sewer disposal system, a direct connection shall be made to the public sanitary sewer within one (1) year, subject to compliance with other City ordinances.
  - 2. All newly constructed principal structures and new subdivisions must connect to the public sanitary sewer system when said sewer facilities are within three hundred (300) feet from the proposed development boundary or structure.

#### 4.06 SEWAGE DISPOSAL FOR AREAS WITHOUT CENTRAL OR PUBLIC SERVICES.

In areas being platted without central or public sewers, the on-site sewer system, including the size and relative location, shall be in conformance with City, County State and Federal requirements and regulations pertinent to on-site sewer and water. When such requirements conflict, the most restrictive shall apply. In addition to these standards, the following requirements shall also apply unless in conflict with a more restrictive requirement referenced above.

- A. The subdivision shall be subject to soil and percolation tests being made to determine whether or not the lot sizes proposed will meet minimum standards of health and sanitation due to limitations of soils as shown on existing soils maps. Such tests shall be made at the expense of the applicant and a sketch map shall be submitted with the preliminary plat to identify the specific locations where tests were made.
- B. No cesspools or seepage pits shall be allowed.
- C. The City may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics.

#### 4.07 WETLANDS.

- A. Generally. This section applies to all wetlands on public or private land located within the City, whether or not the wetland is located on the same property as the development.
- B. Wetland Plan. No grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provisions of this section and the Minnesota wetland conservation act.
- C. Buffer Widths; Setbacks.



1. Protective Buffer. A protective buffer of natural vegetation shall surround all wetlands located in commercial developments. The buffer shall have a minimum width of twenty feet (20') from the delineated edge of the wetland at the time of development.

a. Average Width. The width of the buffer may be averaged, provided that a minimum buffer width is maintained equal to one-half ( $\frac{1}{2}$ ) the required buffer or ten feet (10').

D. Drainage and Utility Easement/Outlot. A drainage and utility easement or a dedicated outlot is required for all buffer areas as part of platting and subdivision approval, except where the buffer is located in a public transportation right of way.

#### 4.08 EROSION AND SEDIMENT CONTROL.

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

B. Erosion and sediment control measures shall be consistent with best management practices (BMPs) for erosion and sedimentation control as specified in the "Minnesota Stormwater Manual" (MPCA 2005), as amended, and shall be sufficient to retain sediment on site.

C. Erosion and sediment controls shall meet the standards for the general permit authorization to discharge stormwater associated with construction activity under the national pollutant discharge elimination system/state disposal system permit program permit MN R100001 (NPDES general construction permit) issued by the Minnesota pollution control agency, as amended. Final stabilization of the site must be completed in accordance with the NPDES construction permit requirements.

D. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time. When soil is exposed, the exposure shall be for the shortest feasible period of time and appropriate control measures shall be installed prior to development when necessary to control erosion.

E. Where the topsoil is removed, sufficient topsoil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a minimum depth of four inches (4") and shall be of a quality at least equal to the soil quality prior to development.

F. Natural vegetation shall be protected wherever practical.

G. Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system. All on site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a 10-year frequency storm without erosion.

H. All temporary erosion and sediment controls shall be installed on all down gradient perimeters before commencing the land disturbing activity and left in place and maintained until the site has been stabilized. All permanent erosion control measures shall be installed and operational per the design and as required by the City.

I. If the activity creates more than one acre of disturbed area, and the activity is taking place on a site where soils are currently disturbed (e.g., a tilled agricultural site that is being developed), areas that will not be graded as part of the development and areas that will not be stabilized according to the time frames specified in the NPDES general construction permit part IV.B.S. shall be seeded with a temporary or permanent cover before commencing the proposed land disturbing activity.

#### 4.09 STORM DRAINAGE.

All subdivision design shall incorporate adequate provisions for stormwater runoff which may include a storm sewer system or system of open ditches, culverts, pipes, sump pumps, catch basins, ponding areas infiltration/filtration basins, or a combination thereof.

- A. All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates in the developed property. All such systems shall be in conformity to the drainage plan and all piping shall provide complete removal and a permanent solution for the removal of drainage water.
- B. Where connection with an existing storm sewer system is feasible, that system shall be utilized so as to provide complete drainage of the subdivision.
- C. Drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easement of appropriate width.
- D. All drainage systems shall be approved by the City.
- E. The drainage system shall be designed large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The drainage shall be based on conditions of total potential development permitted by the zoning ordinance in the watershed. Over-sized storm sewer lines may be required, with the additional costs to be borne by the benefited properties.
- F. Plan Required. The proposed provisions for stormwater runoff shall be documented in a runoff water management plan including a narrative, prepared by a Minnesota licensed engineer.

#### 4.10 EASEMENTS.

All easements shall be dedicated by appropriate language on the final plat as required by law or by easement document that is recorded with the Pope County recorder and by the provisions of this subdivision ordinance.

- A. Drainage and Utility Easements. An easement for drainage and utilities at least ten feet (10') wide along front and rear lot lines and five feet (5') wide along all abutting side lot lines shall be provided. An easement for drainage and utilities not less than ten feet (10') wide shall be provided adjacent to all plat boundaries. 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. When it is not practical to center easements, the fully required easement width may be required within one property. Said easements shall have continuity of alignment from block to block. The easements, when approved, shall not thereafter be changed without the approval of the City Council pursuant to established City Code procedures, as may be amended.
- B. Continuous Easement Locations. Drainage and utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.
- C. Drainage. Drainage and utility easements shall be provided along each side of the centerline of any natural watercourse lake, pond, stream, wetland or drainage channel to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff as necessary. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than ten (10) feet in width or a width equal to the required side yard setback established by the respective zoning district in which the property is located, whichever is less. All drainage easements shall be so identified on the plat and shall be graded, sodded or left in its natural state if no disturbance is required in accordance with the Subdivision Ordinance requirements, prior to the issuance of building permits for the site.

- D. Sight. Sight easements beyond required zoning setback regulations may be required by the City, County, or MN/DOT to protect major intersections on the street and highway system.
- E. Trail/Pedestrian Way Easement. In addition to other open space, dedication of easements to provide connections to public trails will be required where determined by the City Council, if the trail or pedestrian way is not located in a right-of-way. Where deemed essential to provide circulation, or access to schools, playgrounds, and other community facilities, pedestrian easements with rights-of-way widths of not less than ten (10) feet may be required.
- F. Outlot Alternative. The City may at its discretion choose to require outlots rather than drainage and utility easements for wetlands, drainage areas and other natural features.

#### 4.11 PROTECTED AREAS.

Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, watercourses, floodable areas, vegetation, steep slopes or wooded areas, the design of said subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact. Based on the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargements and redesign or dedication of those sensitive areas in the form of outlots.

In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Such measures, when deemed appropriate by the City, may include, but shall not be limited to, the following.

- A. The establishment of buffers designed consistent with adopted management plans, easements and/or outlots over wetlands, drainageways and watercourses.
- B. The implementation of flood control measures, including stormwater basins and infiltration design standards.
- C. The enlargement of lots or redesign of the subdivision.
- D. The utilization of appropriate erosion control measures subject to approval by the City.
- E. Soil testing to determine the ability of the proposed subdivision to support development.
- F. The limitation of development on slopes steeper than three to one (3:1).
- G. Structure conformance to the natural limitations presented by the topography and soil so as to create the least potential of soil erosion.

#### 4.12 DEDICATION REQUIREMENTS.

- A. Condition of Approval; City Option. As a condition of subdivision approval, subdividers may be required to dedicate a reasonable portion of the buildable land in the proposed subdivision for conservation purposes or for public use as parks, recreational facilities as defined and outlined in Minnesota statutes section 471.191, playgrounds, trails, wetlands, or open space; provided that the City may choose to accept an equivalent amount in cash for part or all of the portion required to be dedicated.

#### 4.13 DEDICATION OF STORM WATER HOLDING AREAS OR PONDS.

Upon approval by the City Council, the applicant may be required to dedicate a drainage and utility easement to the City for storm water holding areas, infiltration/filtration areas or ponds.

#### 4.14 MAINTENANCE OF PRIVATE OPEN SPACE.

In the event certain land areas or structures are provided within the subdivision for private recreational use or as service facilities, the owner of such land and buildings shall enter into an agreement with the City to assure the continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following depending upon which is most appropriate.

- A. Dedicated to the public where a community-wide use would be anticipated.
- B. Applicant's ownership and control.
- C. Homeowners association ownership and control, provided all of the following conditions are met.
  - 1. The property owners association must be established prior to the sale of any lot.
  - 2. Membership must be mandatory for each owner and any successor in interest.
  - 3. The open space restrictions must be in perpetuity, not for a given period of years.
  - 4. The association must be responsible for liability insurance, local taxes and the maintenance of the recreational area and facilities.
  - 5. Landowners (homeowners) must pay their prorated share of the cost, and any assessment levied by the association then can become a lien on the property in accordance with law.
  - 6. The association must be able to adjust the assessment to meet changed needs.

#### 4.15 MINIMUM DESIGN FEATURES.

The design features set forth in this Subdivision Ordinance are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided based upon site considerations and the Long Beach Comprehensive Plan.

## SECTION 5 – REQUIRED BASIC IMPROVEMENTS

### SECTION:

- 5.01: Monuments
- 5.02: Street Improvements
- 5.03: Public Utilities Location
- 5.04: Election by City to Install Improvements
- 5.05: Street Lighting Requirements
- 5.06: City Inspection

#### 5.01 MONUMENTS.

- A. Official monuments, as designated and adopted by the county surveyor's office and approved by the county district court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.
- B. Pipes or steel rods shall be placed at each lot corner. All United States, state, county or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.
- C. To ensure that all irons and monuments are correctly in place following the final grading of a plat and construction of utilities, a financial security may be required as determined by the City. Proof of the second monumentation shall be in the form of a surveyor's certificate.

#### 5.02 STREET IMPROVEMENTS.

- A. Grading. The full width of the right-of-way of each street and alley dedicated in the plat shall be cleared and graded in accordance with the plan approved by the City.
- B. Paving. All streets and alleys shall be improved with a bituminous surface. Streets to be paved shall be surfaced for a seven (7) ton axle weight capacity for local residential and a nine (9) ton axle weight capacity for all other streets, using current MN/DOT design standards.
- C. Soil Investigation. To determine subgrade soils classification and bearing capacity of the soils in the proposed development, a soil investigation report shall be prepared under the supervision of a soils engineer associated with a qualified soils testing service. A report of the results of the soils investigation shall be provided to and approved by the City.
- D. The grading and drainage requirements for each plat shall be approved by the City at the expense of the applicant. Every plat presented for final signature shall be accompanied by a report that the grading and drainage requirements have been met. In an area not having storm sewer, the applicant shall be responsible, before platting, to provide for a stormwater disposal plan, without damage to properties outside the platted area, and said stormwater disposal plan shall be submitted to the City for review and approval. No plat shall be approved before an adequate stormwater disposal plan is presented and approved by the City.
- E. Boulevards. All boulevards shall have at least four (4) inches of top soil (black dirt) placed on them and then shall be sodded or seeded.

F. Signage. Street signs of the design approved by the city council shall be installed.

#### 5.03 PUBLIC UTILITIES LOCATION.

Telephone, electric, communication cable, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable city ordinances.

#### 5.04 ELECTION BY CITY TO INSTALL IMPROVEMENTS.

It is the subdivider's responsibility to install all required improvements except that the City reserves the right to elect to install all or any part of the improvements required under the provisions of this ordinance pursuant to Minnesota statutes chapter 429, as amended. If the City elects to install the improvements the City may require the developer to post a cash escrow or letter of credit guaranteeing payment of the assessments.

#### 5.05 STREET LIGHTING REQUIREMENTS.

The developer shall be responsible for all costs associated with the installation of streets lights in all new subdivisions as may be required by the City. The City shall approve the street lighting plan, which shall included street light standards and spacing guidelines.

#### 5.06 CITY INSPECTION.

All required improvements shall be inspected by the City or City approved consultant during construction, at the expense of the applicant.

## SECTION 6 – FINANCIAL ARRANGEMENT

### SECTION:

- 6.01: Payment for Installation of Improvements
- 6.02: Financing and Participation by the City
- 6.03: Financial Guarantee
- 6.04: Trunk Facilities
- 6.05: Alternative Installation

#### 6.01 PAYMENT FOR INSTALLATION OF IMPROVEMENTS.

The required improvements as listed in this ordinance are to be furnished and installed at the sole expense of the applicant. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be allocated in accordance with City policies.

#### 6.02 FINANCING AND PARTICIPATION BY THE CITY.

- A. Financing Type. Prior to City Council approval of the final plat and as included in the development agreement, the Developer shall be required to provide a financial guarantee to assure installation of all required improvements at his/her expense or shall submit to the City a petition for public improvements with the project expenses to be financed by the City and assessed against the subject property. Petitions for public improvements shall be submitted to the City for consideration by October 1st of the year preceding the proposed construction.
- B. Construction Review. All required public improvements shall be subjected to field observation by the City during construction at the expense of the developer. The contract shall contain a provision for supervision of construction by the City and shall grant to the City the authority to correlate the work to be done under such contract by any subcontractor authorized to proceed there under with other work being done or contracted by the City in the vicinity.
- C. Administration Fee. All new plats, developer financed and Statute 429 public improvement projects may be charged an administration fee for the reimbursement of staff time in accordance with the local improvement policy.
- D. Development Agreement.
  - 1. Fees. Before the City releases a final plat for recording, the developer of the land covered by said plat shall pay all applicable fees and execute a developer's agreement which shall be binding on heirs, personal representatives and assigns.
  - 2. Securities. Before the City releases a final plat for recording, the developer shall deposit with the City an amount equal to a minimum of one hundred twenty five percent (125%) of the estimated cost of the required improvements within the plat, either in a cash escrow or letter of credit. The surety shall be approved by the City. As portions of the project construction are completed, inspected and accepted by the City, the amount of the surety requirement may be reduced. The cash escrow or letter of credit shall be conditioned upon.
    - a. The installation of all of the improvements required by the terms and conditions and within the time period set forth by the City unless an extension is granted by the City Council.

- b. Satisfactory completion of the work and payment therefor, which work was undertaken by the developer in accordance with the developer's agreement referred to above.
- c. The developer shall pay to the City all expenses incurred by the City, including, but not limited to, expenses for engineering, planning, fiscal, legal, construction and administration. In instances where a cash escrow is submitted in lieu of a letter of credit, there shall be a cash escrow agreement which shall provide that in the event the required improvements are not completed within the approved time period, all amounts held under the cash escrow agreement shall be automatically turned over and delivered to the City and applied by the City to the cost of completing the required improvements. If the funds available within said cash escrow agreement are not sufficient to complete the required improvements, the necessary additional cost to the city may be assessed against the subdivision. Any balance remaining in the cash escrow fund after such improvements have been made and all expenses have been paid, shall be returned to the developer. In instances where a letter of credit is used in lieu of a cash escrow, the letter of credit shall be in a form satisfactory to the City and the terms thereof shall substantially comply with the procedure set forth for a cash escrow fund.

#### 6.03 FINANCIAL GUARANTEE.

- A. The development agreement provided for in this ordinance shall require the applicant to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the City. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this section.
- B. Escrow Deposit, Certified Check.
  - 1. If an escrow deposit or certified check is required, the escrow deposit or certified check shall be filed with the City Clerk in a sum equal to the total costs calculated as estimated by the City for all the improvements to be furnished and installed by the applicant pursuant to the agreement, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the City.
  - 2. The City shall be entitled to reimburse itself out of said deposit or check for any cost or expense incurred by the City for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.
  - 3. Upon completion of the work and termination of any liability, the balance remaining in said deposit or check shall be refunded to the applicant/developer.
- C. Irrevocable Letter of Credit.
  - 1. If the applicant is required to furnish an Irrevocable Letter of Credit, the sum shall be payable to the order of the City and delivered to the City in an amount calculated as estimated by the City of all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to the approval of the plat. The total costs shall include costs of inspection by the City.
  - 2. The Irrevocable Letter of Credit shall be approved and filed with the City.
  - 3. The City shall be entitled to reimburse itself out of said letter of credit for any cost and expense incurred by the City for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.

#### 6.04 TRUNK FACILITIES.



Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs for oversizing shall be allocated pursuant to established City policies.

#### 6.05 ALTERNATE INSTALLATION.

The City may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the applicant.

## SECTION 7 – ADMINISTRATION AND ENFORCEMENT

### SECTION:

- 7.01: Nonplatted Subdivisions
- 7.02: Permits
- 7.03: Restrictions on Filing and Recording Conveyances
- 7.04: Variances, City Council Approval, Standards
- 7.05: Planned Unit Developments
- 7.06: Violations and Penalties
- 7.07: Schedules of Administrative Fees, Charges and Expenses

#### 7.01 NONPLATTED SUBDIVISIONS.

- A. Registered Land Surveys. All registered land surveys in the city shall be presented to the planning commission in the form of a preliminary plat in accordance with the standards set forth in this ordinance for preliminary plats and the Planning Commission shall first approve the arrangement, sizes and relationships of proposed tracts in such registered land surveys, and tracts to be used as easements or roads should be so dedicated. Unless a recommendation and approval have been obtained from the Planning Commission and City Council respectively, in accordance with the standards set forth in this ordinance, 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.
- B. Conveyance by Metes and Bounds. Except for approved minor subdivisions, all subdivisions must be platted or be approved by a registered land surveyor. Building permits will be withheld for buildings or tracts that 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.

#### 7.02 PERMITS.

Except as otherwise provided by state statutes all electric and gas distribution lines or piping, roadways, curbs, walks and other similar improvements shall be constructed only on a street, alley, or other public way or easement which is designated on an approved plat, or properly indicated on the official map of the City. No permit for the erection of any building shall be issued unless the building is to be located upon a parcel of land abutting on a street or highway which has been designated upon an approved plat or on the official map or which has been otherwise approved by the City, and unless the buildings conform to the established building line. No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of this section.

#### 7.03 RESTRICTIONS ON FILING AND RECORDING CONVEYANCES.

- A. No conveyance of land to which the 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 November 9, 2016 or to an unapproved plat made after such regulations become effective.
- B. The foregoing provision does not apply to a conveyance if the land described.
  - 1. Was a separate parcel of record on November 9, 2016, the date of adoption of the subdivision regulations.
  - 2. Was the subject of a written agreement to convey entered into prior to such time.

3. Was a separate parcel of not less than two and one half (2 ½) acres in area and one hundred and fifty feet (150') in width on November 9, 2016.
  4. Was a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred feet (300') 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 (5) acres in area or three hundred feet (300') in width.
  5. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred feet (500') 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 twenty (20) acres in area or five hundred feet (500') in width.
- C. 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 City may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.
  - D. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the City a penalty of not less than one hundred dollars (\$100.00) for each lot or parcel so conveyed.
  - E. The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.
  - F. Building permits shall be withheld for buildings on tracts which have been subdivided and conveyed by the metes and bounds method, except as described in A and B of this section above.
  - G. The City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts. Past City repair or maintenance of any such tracts does not obligate the City to continue the same in the future.

#### 7.04 VARIANCES, CITY COUNCIL APPROVAL, STANDARDS.

##### A. Findings.

1. The Planning Commission may recommend, and the City Council may approve a variance from the minimum standards of this ordinance (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance.
2. In recommending any variance, the Planning Commission shall prescribe and the City Council shall impose any conditions that it deems necessary to or desirable for the public interest.
3. The Planning Commission shall not recommend and the City Council shall not approve any variance request unless they find failure to grant the variance will result in unusual hardship. "Unusual hardship" means that the property owner proposes to use the property in a reasonable manner not permitted by this title. Economic considerations alone do not constitute unusual hardship. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. The following criteria must also be met.
  - a. That the variance would be consistent with the comprehensive plan.
  - b. That the variance would be in harmony with the general purposes and intent of this ordinance.

- c. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.
- d. That the purpose of the variance is not exclusively economic considerations.
- e. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
- f. That the requested variance is the minimum action required to eliminate the unusual hardship.

B. Procedures.

1. Requests for a variance or appeal shall be filed with the City on an official application form. Such application shall be accompanied by a fee as established by the City. This fee shall not be refunded. Such application shall also be accompanied by fifteen (15) copies of detailed written and graphic materials necessary for the explanation of the request, and a list of property owners located within three hundred and fifty feet (350') of the subject property obtained from and certified by an abstract company.
2. The applicant shall be considered as being officially submitted complete when the applicant has complied with all the specified informational requirements, which shall include the following.
  - a. A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in this section.
  - b. Supporting materials as determined by the City as applicable to be necessary for the complete and clear definition and understanding of the request.
  - c. Upon receipt of a complete application, as determined by the City, the City shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description, description of request and property location, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed at least ten (10) days prior to all property owners of land within three hundred and fifty feet (350') of the boundary of the property in question.
  - d. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this section.
  - e. The City shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on action to the City Council.
  - f. Unless excused by the City, the applicant or a representative thereof shall appear before the Planning Commission and City Council to answer questions concerning the proposed variance.
  - g. The Planning Commission shall make findings of fact and recommend approval or denial of the request. The Planning Commission's recommendation and the City staff's report shall be presented to the City Council.
  - h. The City Council shall not act upon the variance until the planning commission has held a public hearing on the request. The City Council shall act upon the request within sixty (60) days from the date of submission.

- i. Upon receiving the report and recommendation of the Planning Commission and the City staff, the application shall be scheduled for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- j. If, upon receiving said reports and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final determination of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
- k. The City Council shall make findings of fact and approve or deny a request for variance within thirty (30) days after the close of the public hearing on the request.
- l. A variance of this ordinance shall be by four-fifths ( $\frac{4}{5}$ ) vote of the full City Council.
- m. In granting any variance under the provisions of this ordinance, the City Council shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare.

#### 7.05 VIOLATIONS AND PENALTIES.

- A. Sale of Lots from Unrecorded Plats. It shall be a misdemeanor 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 or area located within the jurisdiction of this ordinance unless said plan, plat or replat shall have first been recorded at the County Recorder's Office.
- B. Receiving or Recording Unapproved Plats. It shall be unlawful for an individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys or other portions of the same, intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this title, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.
- C. Misrepresentations. It shall be a misdemeanor 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 City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.
- D. Penalty. Anyone violating any of the provisions of this title shall be guilty of a misdemeanor. Each month during which compliance is delayed shall constitute a separate offense.

#### 7.06 SCHEDULES OF ADMINISTRATIVE FEES, CHARGES AND EXPENSES.

- A. Fees and charges. Fees and Charges, as well as expenses incurred by the City for engineering, planning, legal, and other services related to the processing of applications under this ordinance shall be established by resolution of the City Council and collected by the City for deposit in the City's accounts. Fees shall be established for the processing of requests for platting, minor subdivisions, review of plans, and such other subdivision-related procedures as the City Council

may from time to time establish. The City Council may also establish charges for public hearings, special meetings, or other such City Council actions as are necessary to process applications.

- B. Timing. Such fees, charges and estimated expenses (as well as a deposit, if so required by the City) shall be collected prior to City action on any application. All such applications shall be accompanied by a written statement between the City and the applicant/landowner (when the applicant is not the same person or entity as the landowner, both the landowner and the applicant must sign the agreement) whereby the applicant/landowner agrees to pay all applicable fees, charges and expenses as set by City Council resolution as provided above, and which allows the City to assess the above fees, charges and expenses against the landowner if such monies are not paid within thirty (30) days after a bill is sent to the applicant/landowner.