

CHAPTER 151: SUBDIVISIONS

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GENERAL PROVISIONS**§ 151.01 PURPOSE.**

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

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.02 APPLICATION.

(A) This chapter shall apply to all land now lying within, and hereafter annexed to, the city, and to unincorporated territory located within two miles of its limits in any direction. Except as herein otherwise provided, this chapter shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for any purpose, whether immediate or future, including the resubdivision, rearrangement or replatting of land or lots. This chapter shall further apply to any parcel of land being subdivided which includes an existing or future right-of-way or easement according to the comprehensive plan of the city, that has not been previously dedicated.

(B) This chapter shall not apply to:

(1) Subdivision into tracts each of which contain five acres or more and at least 300 feet in width;

(2) Resubdivision of land previously subdivided the total area of which is one acre or less; and/or

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

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.03 PLAT APPROVAL REQUIRED.

No plat for a subdivision or part thereof within the application of this chapter shall be prepared, presented for approval, approved or recorded, except as prescribed herein.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.04 RESTRICTIONS ON FILING AND RECORDING CONVEYANCES.

(A) After the effective date of this chapter, no conveyance of land to which this chapter is applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after 4-21-1961, or to an unapproved plat.

(B) This chapter does not apply to a conveyance of the land if it:

(1) Was a separate parcel of record on the date of adoption of this chapter;

(2) Was the subject of a written agreement to convey entered into prior to the date of adoption of this chapter;

(3) Was a separate parcel of not less than two and one-half acres in area and 150 feet in width on 1-1-1966;

(4) Was a single parcel of land of not less than five acres and having a width of not less than 300 feet on 7-1-1980;

(5) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width; and

(6) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(C) In any case in which compliance with this chapter will create an unnecessary hardship and failure to comply does not interfere with the purpose of this chapter, the Council may waive the 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 chapter shall forfeit and pay to the city a penalty of not less than \$100 for each lot or parcel so conveyed. The city may enjoin the conveyance or may recover the penalty by a civil action in any court of competent jurisdiction.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.05 FEES AND CHARGES.

The Council may from time to time establish fees and charges for the filing and reviewing of plats. The subdivider shall reimburse the city for the cost of legal, professional and technical services as to any plat.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.06 BUILDING PERMITS.

No building permit shall be considered for issuance by the city for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this chapter have been complied with fully.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.07 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

APPLICANT. The owner of land proposed to be subdivided for his or her representation. Consent shall be required from the legal owner of the premises.

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

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and includes any structure.

COMPREHENSIVE PLAN. The group of maps, charts and texts that make up the comprehensive long-range plan of the city.

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

DRAINAGE COURSE. A watercourse or indenture for the drainage of surface water.

EASEMENT. A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, cable television lines, storm sewer or storm drainageways and gas lines.

FINAL PLAT. A drawing or map of a subdivision, meeting all of the requirements of the city and in a form as required by the county and state statutes for the purpose of recording.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device.

LOT. Land in a subdivision, occupied or to be occupied by a building and its accessory buildings, together with open spaces as are required under the provisions of the current zoning regulations, having not less than the minimum area required by Ch. 152 of this code of ordinances for a building site in the district in which the lot is situated and having its principal frontage on a street.

METES AND BOUNDS DESCRIPTION. A description of a tract of land with references to courses and distances establishing a point of beginning and returning to the point of beginning.

OFFICIAL MAP. A map which designates rights-of-way and easements for streets, alleys, drainage courses and utilities. The map shall also show existing additions and subdivisions and that include the lot and block identifications and dimensions and the identifications of additions and subdivisions and the streets contained therein. The information as shown on the map shall be in accordance with documents as permanently recorded with the city and county. The **OFFICIAL MAP** shall be kept on record in the office of the City Administrator and is to be kept current by the city.

OUTLOT. A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended and for which no building permit shall be issued.

OWNER. Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation or a

combination of them having interest in land sought to be subdivided to maintain proceedings as a subdivider.

PARKS. Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including playgrounds, neighborhood parks, playfields and special purpose areas.

PLAT. A map showing a plan for the subdivision of land which is submitted for approval and is intended in final form (which shall contain the necessary certificates) for recording.

PRELIMINARY PLAT. A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

PROTECTIVE COVENANTS. Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

SANITARY SEWER. A constructed conduit connected with a sewer system for the carrying of liquids and solids other than storm waters to a sanitary treatment facility.

SETBACK. The building setback distance of a line as measured from the nearest street, road, water shoreline or property boundary line.

STORM SEWER. A constructed conduit for carrying surface waters to a drainage course.

STREET. A public right-of-way affording primary access by pedestrian or vehicles or both, to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue or boulevard.

STREETS - COLLECTOR STREETS. Those streets which carry traffic from local streets to the major system of arterials and highways. **COLLECTOR STREETS** primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.

STREETS - CUL-DE-SAC. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

STREETS - LOCAL STREET. Those local streets used primarily for access to abutting properties and for traffic movement.

STREETS - MARGINAL ACCESS OR SERVICE DRIVES. Those local streets which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.

STREETS - THOROUGHFARES, ARTERIAL STREETS. Those streets carrying larger volumes of traffic and serving as links between various subareas of the community. **THOROUGHFARES** or **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.

SUBDIVIDER. Any individual, firm, association, syndicate, co-partners, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

SUBDIVISION. The division of a tract of land into two or more lots or parcels of land for the purpose of transfer or ownership or building development.

SUBDIVISION - MAJOR. A subdivision of a parcel or parcels of property in which more than one additional parcel or lot is created in unplatted lands or more than two additional parcels or lots are created in platted lands.

SUBDIVISION - MINOR. A subdivision of a parcel or parcels of property in which no more than one additional parcel or lot is created in unplatted lands, or no more than two additional parcels or lots are created in platted lands.

SURVEYOR. A duly registered land surveyor employed by the subdivider for the preparation of subdivision surveys or plats as required by this chapter and state statute, and in accordance with the city code and state law.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.08 VARIANCES.

(A) *General.* Subdivision regulations may provide for a procedure for varying the regulations as they apply to specific properties where as unusual hardship on the land exists, but variances may be granted only upon the specific grounds set forth in the regulations. Unusual hardship includes, but not limited to, inadequate access to direct sunlight for solar energy systems.

(B) *Reasons for granting.* The Council may grant a variance from these regulations following a finding that substantially all of the following conditions exist:

(1) There are special circumstances or conditions affecting the property so that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; or

(3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

(C) *Consideration to be given.*

(1) In making the finding, the Council shall consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

(2) In granting a variance as herein provided, the Council shall prescribe only conditions that it deems desirable or necessary to the public interest.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.09 MINOR SUBDIVISIONS.

(A) (1) In the case of a subdivision resulting in three parcels or less situated in a locality where conditions are well defined, the Council may exempt the subdivider from complying with some of the requirements of these regulations.

(2) In the case of a request to subdivide a lot which is a part of the recorded lot, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create not more than three new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the zoning chapter, the division may be approved by the Council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

(B) In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with these regulations or the zoning chapter, the division may be approved by the Council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.10 EXEMPTIONS.

The Council may exempt from compliance with all or any part of the requirements for the preparation of a preliminary plat if:

(A) A proposed subdivision is situated in a locality where conditions are well defined;

(B) The number of current improved lots fronting on the proposed street substantially limit change in the existing public improvements or future land layout;

(C) The subdivision does not involve a new street or the extension of municipal utilities; and

(D) The subdivision will not adversely affect the adjoining property.
(Ord. 126, 2nd Series, passed 8-16-2005)

PRELIMINARY PLAT

§ 151.25 PRELIMINARY PLAT REQUIRED.

Before submitting a final plat for approval, the subdivider shall have approval of a preliminary plat, so designated. Ten copies of the preliminary plat shall be filed in the office of the Zoning Administrator; provided that, additional copies may be required if highways are affected. The required application fee shall be paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee. The preliminary plat shall be considered filed after the Zoning Administrator has examined it and found it to be complete and in proper form. The Zoning Administrator shall note the filing date on all copies.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.26 PROCEDURE ON PRELIMINARY PLAT.

(A) One copy of any preliminary plat which includes lands abutting upon any existing or established trunk highway shall be forthwith forwarded by the Zoning Administrator to the State Department of Transportation (MnDot), District Design Engineer for his or her written comments and recommendations, and any plat which includes land abutting upon an existing or established county or county state-aid highway shall be so forwarded to the County Highway Engineer for his or her written comments and recommendations.

(B) One copy of the preliminary plat shall be referred by the Zoning Administrator to the City Engineer, the gas company, telephone company, electric department, City Street and Parks Department, Water and Waste Water Department and any other departments or agencies that may need to review the proposed plat for their comments and recommendations.

(C) After receipt of the comments and recommendations from divisions (A) and (B) above, the Planning Commission shall meet to review the preliminary plat. Upon completion of the preliminary review by the Planning Commission, a public hearing shall be scheduled for the next regular meeting of the Planning Commission. The city reserves the right to waive the preliminary review by the Planning Commission based on findings of the Zoning Administrator. If a preliminary review is waived, the Planning Commission shall conduct a public hearing on the preliminary plat at its next regular meeting.

(D) The hearing of the Planning Commission shall be held within 60 days from the date of filing. The hearing shall be held following publication of notice of the time and place thereof in the official

newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. A subdivision application shall be preliminarily approved or disapproved within 120 days following the date of the approved application, unless an extension of the review period has been agreed to by the applicant.

(E) At the public hearing, the Planning Commission shall review the plat, consider all oral and written reports, comments and recommendations, and adopt, by majority vote of those present and voting, its own recommendation to the Council as to approve or disapprove the plat, stating its reasons. The recommendation shall be presented to the Council at the next regular meeting. Within 30 days after receipt of the Planning Commission's recommendation the Council shall act on the preliminary plat. (Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.27 PRELIMINARY PLAT AND SUPPLEMENTARY DATA AND DOCUMENTS.

All preliminary plats shall meet the design standards set forth in this chapter and shall show thereon, or have submitted therewith, as the context of this chapter indicates, the following:

(A) Scale of 100 feet to one inch or larger;

(B) Name of subdivision, name and address of the owner(s) and the engineer or surveyor;

(C) Location of subdivision by section, town, range or other legal description together with a small scale sketch showing location within section;

(D) Date, north arrow and graphic scale;

(E) Boundary line and total acreage of land to be subdivided;

(F) Zoning classification of lands to be subdivided and all adjacent lands;

(G) Existing land elevation contours at an interval of two feet;

(H) Boundary lines of the area to be subdivided and their approximate bearings and distances;

(I) Existing and proposed easements and their locations, widths and distance;

(J) Streets on and adjacent to the tract and their names, widths, proposed approximate grades and proposed relative ground elevations at the intersections of all streets and every 100 feet along the streets and at the corners or extremities of the plat, and other dimensions as may be required. Elevations shall be to city datum;

(K) Utilities on and adjacent to the tract showing proposed connections to existing utility systems. Rear easements for utilities shall be provided wherever possible. Data to be provided includes type of

utility, location of manholes, catch basins, hydrants and the like; approximate depth of pipe construction and size of pipe and direction of flow;

(L) Lot lines, lot numbers and approximate lot dimensions;

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

(N) Location of railroads, streams, natural and proposed drainage courses, permanent buildings or other structures;

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

(P) Copies of proposed deed restrictions or protective covenants, if any;

(Q) Topographic data, watercourses, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be shown; and

(R) If a variance is necessary, the subdivider shall submit with the preliminary plat his or her written request for the variance specifying, in detail, reasons necessitating variance in compliance with this chapter.

(Ord. 126, 2nd Series, passed 8-16-2005)

FINAL PLAT

§ 151.40 GENERALLY.

(A) Following preliminary approval, the applicant may request final approval of the plat.

(B) Upon the request, the city shall certify final approval within 60 days if the applicant has complied with all conditions and requirements upon which the preliminary approval was expressly conditioned, either through performance or the execution of appropriate agreements assuring performance.

(C) If the city fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved and, upon demand, the city shall execute a certificate to that effect.

(D) After final approval, the subdivision plat may be recorded.
(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.41 PROCEDURE ON FINAL PLAT.

(A) (1) The owner or subdivider shall file with the Zoning Administrator ten copies of the final plat upon his, her or their request for final approval of the plat.

(2) The owner or subdivider shall also submit at this time an up to date certified abstract of title and other evidence as the City Attorney may require, showing title in the applicant, and an attorney's opinion based on the abstract of title showing the owner(s) of the land to be platted.

(3) The final plat will have incorporated all changes or modifications required by the Council.

(4) In all other respects, it shall conform to the preliminary plat.

(5) The plats required for filing shall bear the fully executed certificates of the subdivider and surveyor.

(6) The supplementary documents shall be in final form and shall be fully executed by the subdivider at the time of the filing.

(B) At the next scheduled meeting of the Planning Commission, the official plat and supplementary documents shall be examined to determine whether or not they conform to the preliminary plat and are consistent with the action taken by the Council and with the requirements of this chapter and state statutes. The Planning Commission shall forward its respective opinions and recommendations to the Council.

(C) The Council, upon receiving the opinions and recommendations from the Planning Commission, shall take action on the final plat. If the final plat and supplementary data and documents are found to be consistent with the preliminary plat and prior requirements, the Council shall adopt an approving resolution which shall also authorize and direct the City Administrator to certify the Council's approval on the plat. Every resolution passed by the Council shall be signed by the Mayor or by two members of the Council, attested by the City Administrator. If the final plat and supplementary data and documents are not in conformance with prior Council action, this chapter or state statutes, the Council shall forthwith return the executed plats and documents and state the requirements necessary for approval of the final plat.

(D) When any existing special assessments which have been levied against the property described, the City Administrator shall determine how the assessments shall be divided and allocated to the respective lots in the proposed plat.

(E) (1) If the final plat is approved by the Council, the subdivider shall record it with the County Recorder within 90 days after the approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the Council. The subdivider shall,

immediately upon recording, furnish the City Administrator with a print and reproducible tracing of the final plat showing evidence of the recording. If the plat relates to property outside the corporate limits of the city, a copy of the final plat shall also be filed with the appropriate town clerk.

(2) No building permits shall be issued for construction of any structure on any lot in the plat until the city has received evidence of recording of the plat by the county.
(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.42 FINAL PLAT AND SUPPLEMENTARY DATA AND DOCUMENTS.

(A) The owner or subdivider shall submit a final plat together with any necessary supplementary information.

(B) The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of state statutes and the final plat shall contain the following information:

- (1) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision;
- (2) Block, lot numbers, lot lines and dimensions;
- (3) All outlots shall be designated by alphabetical order, beginning with Outlot "A";
- (4) The location of monuments shall be shown and described;
- (5) The exact locations, widths and names of all streets to be dedicated. A statement dedicating all streets, alleys and other public areas shown on the plat;
- (6) Location and width of all easements to be granted. A statement granting all easements. The purpose of any easement shown on the plat must be clearly stated, and shall be confined to only those that deal with public utilities, and the drainage easements as deemed necessary for the orderly development of the land encompassed within the plat;
- (7) Name and address of developer and surveyor preparing the plat;
- (8) Scale of plat (the scale to be shown graphically on a bar scale 100 feet to one inch), date of preparation and north arrow;
- (9) Names and location of adjoining subdivisions, streets and unplatted properties;
- (10) Protective covenants, variances or any other data or documents, if required by city ordinance or state law, shall be attached to the final plat; and

(11) Certifications and signatures.
(Ord. 126, 2nd Series, passed 8-16-2005)

DESIGN STANDARDS AND IMPROVEMENTS

§ 151.55 MINIMUM IMPROVEMENTS REQUIRED.

The subdivider shall provide the improvements described herein.
(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.56 FINANCING IMPROVEMENTS.

Improvements may be financed, in accordance with a policy established by the Council and uniformly enforced, by one of the following means:

- (A) Installation and payment thereof by the subdivider;
- (B) A corporate surety bond or cash bond guaranteeing performance of the installation;
- (C) An escrow deposit and agreement;
- (D) Special assessments; and
- (E) Any combination of the foregoing.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.57 CONFORMANCE TO THE OFFICIAL MAP AND COMPREHENSIVE PLANS.

All plats shall conform to the official map and other parts of the adopted comprehensive plan of the city. Whenever a subdivision embraces any part of an arterial or collector street or highway, which is so designated on the comprehensive plan, the part shall be dedicated to the public by the subdivider in the location and at the width indicated thereon.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.58 COMMUNITY ASSETS.

In all subdivisions, due regard shall be shown for natural features such as trees, unusual rock formations and watercourses; for sites which have historical significance; and for similar assets which,

if preserved, will add attractiveness and value to the subdivision and to the community. The Planning Commission may prepare a list of all features within its area of subdivision jurisdiction, which it deems worthy of preservation.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.59 MONUMENTS AND STAKES.

All subdivision boundary corners, block and lot corners, street intersection corners, and point of tangency and curvature shall be marked with survey monuments consisting of minimum five-eighth inch steel rods 24 inches in length. Inscribed on the monument or cap, for block corners, according to state statute, shall be the registration number of the land surveyor making the survey. All United States, state, county and other official benchmarks; monuments or triangulation stations in or adjacent to the property shall be preserved in precise position. Permanent stakes and/or monuments shall be in place no later than one year after approval of the final plat.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.60 PUBLIC SITES AND OPEN SPACES.

(A) *Dedication of land.*

(1) In subdividing land, the subdivider shall dedicate a reasonable portion of any proposed subdivision to the public or preserve for the public use, streets, roads, sewers, electric, gas and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements. In addition, the city may require a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands or open spaces. Areas so dedicated or reserved shall conform as nearly as possible to the city comprehensive plan. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner the areas will be dedicated to or acquired by the appropriate agency.

(2) The following applies:

- (a) Subdivisions of up to 50 acres: 5% of the platted area; and
- (b) Additional acreage over 50 acres: 2% of the platted area.

(B) *Cash in lieu of land.* If, in the judgment of the City Council, the area proposed to be dedicated is not suitable or desirable for park/playground purposes, because of the location, size or other reasons, the City Council may require, in lieu of land dedication, a payment to the city of a sum equal to the percentage listed above of the average value of land to be subdivided. The aforementioned value shall be the value of the land upon approval of the preliminary plat, prior to the installation of improvements,

and shall be determined jointly by the City Council or its agent and the subdivider-developer. If the City Council and subdivider-developer cannot agree on land value, the land values shall be established on the basis of the average of two independent appraisals by professional appraisers.
(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.61 STREETS AND BLOCK LAYOUT.

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

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

(C) Where appropriate to the design, streets shall be established to avoid jogs at intersections and to promote continuity of local streets and those of higher classifications.

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

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

(F) Streets shall intersect other streets as near to a 90-degree angle as topography and other factors permit. Intersections of streets with arterial or collector streets shall be limited to a minimum angle of 70 degrees unless specifically approved by the Planning Commission.

(G) Whenever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivisions, which conforms to the official map, the remainder of the street or alley shall be platted to the prescribed width within the proposed subdivision.

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

(I) Street and right-of-way widths shall conform to those indicated in division (H) above. Where the widths are not prescribed therein, the widths shall not be less than the minimum herein.

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

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

(1) By platting the lots abutting the traffic-ways at very generous depth, with setbacks or front yards at least ten feet greater or deeper than otherwise required; and providing vehicular access to them by means of frontage access roads next to the traffic-way, connected therewith at infrequent intervals;

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

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

(L) Dead-end streets will be approved if limited to 850 feet in length, provided a permanently designed turnaround area having a minimum diameter to the edge of the finished street or curb line of not less than 28 feet and a minimum right-of-way diameter of 60 feet is constructed.

(M) Closed subdivisions over five acres in size (with only one exit) shall not be permitted.

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

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

(1) Provision of adequate building sites suitable to the special needs of the principal and all required accessory uses;

(2) Zoning requirements as to lot sizes and dimensions, and provisions regulating off-street parking and loading spaces;

(3) Needs for convenient access, circulation, control and safety of street traffic;

(4) Limitations and opportunities of topography; and

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(5) Generally, blocks shall not exceed 1,320 feet in length or less than 350 feet in length measured along the greatest dimension of the block.

(P) (1) Residential blocks shall normally be of sufficient width for two tiers of lots.

(2) Block lengths shall be determined by circulation and other needs.

(Q) Pedestrian walk right-of-way, not less than ten feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(R) The number of intersecting streets along arterial and collector streets shall be held to a minimum, and where practicable, blocks along the traffic-ways shall not be less than 800 feet in length. (Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.62 MINIMUM WIDTHS FOR STREETS AND ALLEY RIGHTS-OF-WAY.

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

(B) For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be shown in the comprehensive plan and where not shown therein, the minimum right-of-way width for streets, arterial highways or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

<i>Classification</i>	<i>Right-of-Way</i>	<i>Roadway</i>
Alley	20 feet	
Collector streets	70 feet	36 feet
Minor arterial highway (local thoroughfare)	80 feet	44 feet
Minor streets and cul-de-sacs	60 feet	28 feet
		43-foot radius
Pedestrian way	10 feet	
Principal arterial highway (major thoroughfare)	As determined by state and county	
Service drives (marginal access)	50 feet	28 feet

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.63 LOTS.

(A) The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lot dimensions shall conform to the requirements of Ch. 152 of this code of ordinances.

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

(C) Every lot shall abut on a street. Lots for residential purposes shall meet the size requirements of Ch. 152 of this code of ordinances and also the requirements relative to building setback and side yard requirements.

(D) Corner lots for residential use shall be platted at least five feet wider than interior lots in order to permit conformance with the setback required by Ch. 152 of this code of ordinances on the side streets.

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

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

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

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.64 UTILITIES AND DRAINAGE.

(A) Where an approved public water supply is within reasonable access to the subdivision as determined by the number of lots, distance from and capacity of existing mains, water lines shall be placed within the right-of-way of each street. Water lines shall have a minimum diameter of six inches, and all water mains shall be looped so that water is available from two directions to any point. In certain instances when looping the water main is not feasible because of certain circumstances, the City Utility Commission shall determine whether or not it is required. Water main, fire hydrants, gate valves and appurtenances shall be installed in accordance with acceptable engineering practice and city municipal utilities policies. Fire hydrants shall be installed at the intervals required by the city policy.

(B) Sanitary sewers shall be constructed in accordance with the standards of the city and each lot shall be provided with a connection to a sanitary sewer. The city may accept an area for platting where

the service cannot be provided when the lots are of sufficient size and the soil is suitable for private disposal systems and is in accordance with City and State Health Department recommendations. No private disposal system shall be interconnected or run to a common private or public drain. The minimum size public sanitary sewer shall be eight inches in diameter.

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

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

(E) The City Engineer may design the improvements to be installed by the city. A subdivider desiring to contract and install his or her own improvements shall do so in accordance with city specifications and practice. The City Engineer will approve or disapprove all plans, specifications and installations. For improvements installed by the subdivider, the City Engineer shall furnish a written statement to the subdivider of city acceptance of the improvement prior to the city accepting maintenance of the improvement or street as a part of the city system.

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

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

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

(I) Placement of utilities underground shall be encouraged in accordance with the requirements of the city.

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.65 OTHER REQUIREMENTS.

(A) *Sidewalks.* In those cases where the City Council deems appropriate and necessary, sidewalks of not less than five feet in width shall be provided. In all cases where sidewalks are provided, provisions shall be made for disabled access.

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

(C) *Easements.*

(1) An easement for utilities at least ten feet wide, shall be provided where necessary to form a continuous right-of-way. The easements are to be dedicated and provided for utility service from street to street. If necessary for the extension of water mains or sewer lines, electrical transformer pads or similar utilities, easements of greater width may be required along lot lines or across lots.

(2) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the City Engineer may deem the most adequate, conforming substantially with the lines of the watercourse shall be provided. The City Engineer shall determine the width of the easements.

(D) *Erosion and sediment control.*

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

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

(E) *Protected areas.*

(1) Where land proposed for subdivision is deemed environmentally sensitive by the city, due to the existence of wetlands, drainage ways, watercourses, floodable areas or steep slopes, the design of the subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact.

(2) Based on the necessity to control and maintain certain sensitive areas, the Council, based upon the review of the City Engineer, shall determine whether the protection will be accomplished through lot redesign and enlargement with easements or dedication of those sensitive areas in the form of outlots.

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

(Ord. 126, 2nd Series, passed 8-16-2005)

§ 151.99 PENALTY.

Every person who violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

(Ord. 126, 2nd Series, passed 8-16-2005)