

## **PART 6. SUBDIVISION CONTROLS ORDINANCE**

### **906.01 GENERAL PROVISIONS**

**Subdivision 1. Title.** This ordinance shall be entitled “Subdivision Controls Ordinance, Pelican Rapids, Minnesota”.

**Subdivision 2. Purpose.** The purpose of this ordinance is to regulate the subdividing of land within the City of Pelican Rapids, Minnesota. These controls are enacted to assure that developing areas will contribute to create an attractive, stable and wholesome community environment, which will be provided with adequate municipal services and safe streets.

### **906.02 PROCEDURES**

The following procedures shall be followed in the administration of this ordinance and except as specifically allowed by this ordinance, no real property within the jurisdiction of this ordinance shall be subdivided and offered for sale or a plat recorded until a pre-application meeting has been held and a preliminary plat and a final plat of the proposed subdivision have been reviewed by the Planning Commission, and until the final plat has been approved by the City Council as set forth in the procedures provided herein. Plans of group developments for housing, commercial, industrial or other uses or for any combination of uses designed for rental purposes shall be presented in the same manner as other plats for the review of the Planning Commission and the approval of the City Council.

#### **Subdivision 1. Pre-application Meeting.**

- A. Prior to the submission of any plat for consideration to the Planning Commission under the provisions of this ordinance, the subdivider shall meet with the Planning Commission, or any individual to whom the Commission may delegate this responsibility, to introduce himself as a potential subdivider and learn what shall be expected of him in such capacity.
- B. The initial meeting between the Planning Commission, or whomever the Commission may designate, and the subdivider shall constitute the pre-application meeting.

#### **Subdivision 2. Preliminary Plat.**

- A. The subdivider shall submit to the City Clerk six copies of a preliminary plat of his proposed subdivision, the requirements of which are as set forth in this ordinance. Said preliminary plat shall be submitted two weeks prior to the next regularly scheduled Planning Commission (who for the purpose of this ordinance shall be designated the platting authority) meeting and shall be accompanied by a fee of \$100.00 plus \$10.00 for each lot.
- B. In instances where the proposed subdivision lies outside the City limits, the City Clerk shall submit one copy of the preliminary plat to the governing body of the town within which the subdivision is proposed and one copy to the Otter Tail County Planning Advisory Commission not later than seven days after receipt of said plat from the subdivider. Reactions to said plat shall be presented to the Planning Commission at the Commission’s next regularly scheduled meeting.

- C. The Planning Commission shall review the preliminary plat and from the standpoint of public health and welfare, tax balance of industry, agriculture and residences, and City planning. The Commission shall notify the owner or subdivider as to the time and place of the Planning Commission meeting at which time he shall be afforded an opportunity to appear, and conduct a public hearing thereon as provided by law.
- D. If approved, the Planning Commission shall express its approval or conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reason therefor. Such approval or disapproval shall be transmitted to the City Council.
- E. After the City Council receives the report of the Planning Commission, the Council shall act to approve or disapprove the plat, and the Council may, before they act upon the preliminary plat, submit it to any employee or technical advisor of the City they may designate for further review and study. If the Council shall disapprove said plat, the grounds for any such refusal shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.
- F. Approval shall mean the acceptance of the design as a basis for preparation of the final plat.
- G. At the time of filing of the preliminary plat if a zoning change is contemplated, the owner or owners of the land covered by such plat shall submit to the City Clerk a petition for rezoning to the precise proposed future use of said land.

**Subdivision 3. Final Plat.**

- A. The owner or subdivider shall file with the City Clerk at least two weeks before the next regularly scheduled Planning Commission meeting and within 180 days of the date of the last approval of the preliminary plat, six copies of the final plat which shall conform substantially to the preliminary plat as approved. Final plat approval shall become null and void on all plats which are not filed within the time herein specified unless an extension is requested in writing to the City Council and for good cause granted by the Council.
- B. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at one time, provided that such portion must conform to all requirements of this ordinance.
- C. The City Clerk shall refer two copies of the final plat to the Planning Commission for their review and report.
- D. The Planning Commission shall check the final plat to see that it is in substantial agreement with the preliminary plat as approved and that it meets all ordinances and regulations of the City. In the event that the plat involves special problems or is in conflict with City development objectives or with the planning studies being conducted by the Planning Commission, the Commission shall notify the owner or subdivider as to the time and place of the Planning Commission meeting at which the shall be afforded an opportunity to appear.

- E. When a final plat meets all the conditions of the ordinance, the Planning Commission shall recommend approval to the City Council and the Council shall act thereon. Following final plat approval or disapproval by the Council, the City Clerk shall notify the owner or subdivider of the Council's action and within 30 days thereafter, the final plat, if approved, shall be filed with the County Recorder. Any approval of the final plat by the Council shall be null and void if the plat is not recorded with the County Recorder of the County within 30 days after the date of approval unless application for an extension of time is made, in writing, during said 30-day period, to the City Council and granted by the Council. A duplicate and five paper prints of the final plat after the plat has been recorded with the County Recorder of the County shall be filed with the County Auditor. Said plat shall not be filed unless it is accompanied by a certified copy of the resolution approving it.

### **906.03 PRESENTATION REQUIREMENTS**

**Subdivision 1. Preliminary Plat.** The preliminary plat shall include the following:

- A. Scale: 1 inch equals 100 feet.
- B. Identification and Description
1. Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat theretofore recorded in the City.
  2. Location by section, town, range, or by other legal description.
  3. Names and addresses of the owner, subdivider, surveyor and designer of the plan.
  4. Graphic scale.
  5. North point.
  6. Date of preparation.
- C. Existing conditions in tract and in surrounding area to a distance of 300 feet:
1. Boundary line of proposed subdivision, clearly indicated.
  2. Total approximate acreage.
  3. Platted streets, railroad right-of-way and utility easements.
  4. Boundary lines and ownership of adjoining unsubdivided land.
  5. Sewers, water mains, culverts or other underground facilities.
  6. Permanent buildings and structures.

7. Lakes, watercourses and marsh areas and such other information as soil tests and contours at vertical intervals of not more than two feet, if requested by the Planning Commission to aid in their review. All elevation data shall be mean sea level or some other assumed, workable datum.

D. Subdivision Design Features

1. Layout and width of proposed streets and utility easements showing street names, lot dimensions, parks and other public areas. The name of any street heretofore used in the City shall not be used unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall include all contiguous land owned or controlled by the subdivider.
2. Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning.
3. Preliminary street grades and drainage plan shall be shown on a copy of the contour map, if required.

**Subdivision 2. Final Plat.** The final plat shall include the following:

- A. Plans for the provision of safe and palatable water, sewage disposal, drainage and flood controls.
- B. Such information as found necessary for review and if requested by the Planning Commission.
- C. Evidence that ground water level is at least 10 feet below the level of finished grades or plan for solving existing ground water problem.
- D. Date required as set forth in Chapter 505, Minnesota Statutes, and also the following: All interior and exterior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set.
- E. An identification system for all lots and blocks.
- F. The size (in square feet) and dimensions of all lots.
- G. Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
- H. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.

- I. Certifications showing that all taxes and liens currently due on the property to be subdivided have been paid in full.
- J. The subdivider shall provide a final title opinion prepared by an attorney of the subdivider's choosing, and the attorney shall also sign the following statement on the face of the plat:
 

"I hereby certify that proper evidence of title has been presented to and examined by me, and that this plat provides for the proper signatures of all owners and mortgage holders of record."
- K. Form for approval by City Council:
- L. All other information required for a preliminary plat under Subdivision 1 which the Planning Commission or Council may require be included in the final plat.

The City Council of the City of Pelican Rapids, Minnesota, hereby approves this Final Plat this day of \_\_\_\_\_, 1992.

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

Signed \_\_\_\_\_  
City Clerk

**906.04 DESIGN STANDARDS**

**Subdivision 1. Streets.**

- A. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic; to topographical conditions, to runoff of storm waters, and to the proposed uses of the area to be served.
- B. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.
- C. The following width and grade standards of street design shall be observed by the subdivider:

<u>Streets</u>	<u>Minimum Width (lot line to lot line)</u>	<u>Maximum Grade</u>	<u>Minimum Grade</u>
Highways & Arterial	100 to 150 feet	6%	0.5%
Collectors	80 feet	8%	0.5%
Locals	66 feet	10%	0.5%

Where new streets extend existing adjoining streets, their projection shall be at the same or greater width, but in no case less than the minimum required width.

All local streets shall have a graded top with a minimum width of 40 feet, together with adequate ditches and drainage appurtenances to carry runoff water. The graded top shall be surfaced with at least six inches of Class 5 gravel.

- D. Tangents of at least 100 feet in length shall be introduced between reverse curves on collector streets and 50 feet on lesser streets.
- E. Local streets shall be so aligned that their use by through traffic will be discouraged.
- F. Street jogs with center line offsets of less than 150 feet shall be avoided.
- G. Insofar as practical, street intersections shall be at right angles and no intersection shall be an angle of less than 45°. It must be evidenced that safe and efficient traffic flow is encouraged.
- H. Maximum length of permanent cul-de-sac streets shall be 400 feet measured along the center line from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn-around having a minimum outside roadway diameter of 80 feet and a minimum street property line diameter of 100 feet.
- I. Half streets shall be prohibited except where the City Council finds it to be practical to require the dedication of the other half when the adjoining property is subdivided.
- J. Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In other cases the name for the proposed street shall not duplicate existing street names.
- K. Street surfacing done by the developer shall be approved by the City Council.
- L. Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.
- M. Where a proposed plat is adjacent to a major thoroughfare, the City Council may require the developer to provide local service drives along the right-of-way of such facilities or they may require that lots should back on the thoroughfare, in which case vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.
- N. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- O. Curb lines at street intersections shall be rounded at a radius of not less than 20 feet.
- P. The City has the right to withhold approval of the plat until all streets have been inspected and comply with these requirements.

## **Subdivision 2. Easements.**

- A. Utility easements as required by the City Council shall be provided for utilities, where necessary. They shall be centered on rear and other lot lines or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way substantially in alignment with the lines of such water course, together with such further width of construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

## **Subdivision 3. Blocks.**

- A. Block lengths shall not exceed 1,200 feet and, if possible, shall not be less than 400 feet in length. In blocks longer than 800 feet, a pedestrian crossway with a minimum right-of-way of 10 feet shall be required near the center of the block. The use of additional accessways to schools, parks and other designations may also be required.
- B. A block shall be so designed as to provide two tiers of lots of appropriate depth unless it adjoins a railroad or highway or arterial street and unless the rear lot line abuts a different land use, or topographic conditions necessitate a single tier of lots. In these cases, the lot depth shall be at least 15 feet greater than minimum requirements.
- C. The City may require alleys to be placed between tiers of lots or in such other locations as the City deems appropriate.

## **Subdivision 4. Lots.**

- A. Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot shall front on a public street or highway. Lots with frontage on two parallel streets shall be permitted only under unusual circumstances.
- B. Minimum lot sizes within the City shall in all cases conform to zoning regulations in force. Corner lots shall be platted at least 15 feet wider than the minimum lot width required if no provision is so made in the zoning ordinance in force.
- C. There shall be no direct vehicular access from residential lots to highways or arterial streets, and residential lots shall be separated from trunk highways and arterial streets by a 25 foot buffer strip, which may be in the form of added depth or width of lots backing on or siding along the thoroughfare.
- D. Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnants.

**Subdivision 5. Natural Features.** In the subdividing of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development.

## **906.05 REQUIRED IMPROVEMENTS**

Before the City Council approves a final plat, the subdivider shall give satisfactory assurance of the provision of the following requirements. The City Council may require the subdivider to actually meet one or more of the following requirements prior to final plat approval.

**Subdivision 1. Monuments.** Steel monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. All U.S., state, county or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

**Subdivision 2. Streets.** All the streets shall be improved in accordance with the engineering specifications established by the City Council.

**Subdivision 3. Water Supply.** Wherever the connection with a community or public water supply is feasible, such source shall be used. In other cases, individual wells shall be used, and in accordance with established state and county specifications.

**Subdivision 4. Sanitary Sewer.** Wherever the connection with a community or public sanitary sewer collection and treatment facility is feasible, such facility shall be used. In other cases, individual sewage disposal systems shall be used, and in accordance with established state and county specifications.

**Subdivision 5. Drainage Facilities.** Such facilities and easement shall be installed as will adequately provide for the drainage of surface waters.

**Subdivision 6. Street Name Signs.** These shall be placed at all street intersections within or abutting the subdivisions and shall conform to the standard design accepted for all street name signs by the Planning Commission.

**Subdivision 7. Specifications.** All of the required improvements shall conform to engineering standards and specifications as required by the City Council.

**Subdivision 8. Financing.** Before a final plat is approved by the City Council, the subdivider shall satisfactorily demonstrate how the required improvements are to be provided. This could take the form of a letter of intent to provide the improvements as the subdivision develops and charge the cost against the price of the lots; or leave the ultimate provision of the improvements up to the purchasers of the land through the process of petition, City construction and property assessment; or whatever assurances would be acceptable to the City Council.

- A. The subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivision, with the exception of individual sewage disposal systems.
- B. Guarantee completion of the required improvements within a two year period.

- C. Payment by the subdivider for all costs incurred by the City for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the City Attorney as well as other costs of a similar nature. This payment would be in addition to the subdivision fee paid with the submission of the preliminary plat.
- D. The City Council may elect to install any of the required improvements under the terms of a cash escrow agreement.
- E. The performance bond or cash escrow agreement shall be equal to one and one-quarter times the estimated cost of the required improvements.
- F. If the requirement improvements are not complete within the two year period, all amounts held under the escrow agreements or performance bond shall be turned over and delivered to the City and applied to the cost of the required improvement. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider.
- G. Where topsoil is removed, sufficient topsoil shall be set aside for respreading over the developed area to a depth of four inches minimum and further, the subdivider shall seed developed area with suitable grass seed to prevent erosion. Topsoil shall be respread and area seeded within one year from start of earth moving.

#### **906.06 PUBLIC LAND**

Because subdivision activity creates a need for a full range of public facilities, the City Council may require the dedication of a part of the subdivision for public use, provided such land reserved conforms to the development objectives of the City.

#### **906.07 OTHER**

**Subdivision 1. Amendments.** The City Council may amend the procedures, standards, requirements and other provisions of this ordinance upon recommendation of the Planning Commission after duly holding a public hearing thereon.

**Subdivision 2. Variances and Exceptions.** Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the City Council shall have the power to vary the requirements of this ordinance in harmony with the general purpose and intent thereof.

**Subdivision 3. Building Permits.** No building permit shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this ordinance have been fully complied with.

**Subdivision 4. Validity.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**Subdivision 5. Enforcement and Penalties.**

- A. This ordinance shall be administered and enforced by the City Clerk who is hereby designated the enforcing officer.
- B. Violation of any of the terms or provisions of this ordinance shall be a misdemeanor.
- C. In the event of a violation or a threatened violation of this ordinance, the City Council or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations and it shall be the duty of the City Attorney to institute such action.
- D. Any taxpayer or taxpayers of the City may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by the ordinance.

#### **906.08 METES AND BOUNDS DESCRIPTIONS**

No conveyance of land shall be recorded or filed if the land is described in the conveyance by metes and bounds or by reference to an unapproved, registered land survey made after the effective date of this ordinance. The foregoing provision does not apply to a conveyance if the land described:

- was a separate parcel of record on or before March 27, 1969.
- was the subject of a written agreement to convey, entered into prior to such time.
- is a separate parcel of not less than 2-1/2 acres in area and 150 feet in width and is accompanied by a registered surveyor's drawing for recording, or is a square or rectangular parcel, all boundaries of which lie upon or are parallel with one or more section lines, 1/4 section lines, or 1/16 section liens established by government survey.
- is a division of a lot for the purpose of attachment to a contiguous lot or lots where no residual substandard plot or lot is left unattended.
- is a conveyance to a public utility or to the City for such things as substations, poles, towers, telephone booths, and sewer and water facilities.

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 Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any conveyance made in violation of this ordinance shall be void.

#### **906.09 DEFINITIONS**

For the purpose of this ordinance, the following terms shall have the meaning hereinafter indicated in this section unless specifically stated otherwise:

**Subdivision 1. Alley.** Any strip of land publicly or privately owned less than 24 feet in width between property lines, set aside for public vehicular access to abutting property.

**Subdivision 2. Arterial Street or Highway.** A street or highway of considerable continuity designed primarily to serve as an intercommunication link between various sections of the area and beyond (such as from within the City to outlying areas).

**Subdivision 3. Collector Street.** A street designed to serve the internal traffic circulation of a recognized land use area which distributes and collects with arterial streets or highways.

**Subdivision 4. Cul-de-sac.** A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

**Subdivision 5. Development Objectives.** Those goals determined from time to time in plan or policy form as part of the City's comprehensive planning program that indicates how the City wishes to develop itself in line with orderly and logical direction.

**Subdivision 6. Local Street.** A street designed for access to abutting property and not intended to facilitate through traffic.

**Subdivision 7. Lot.** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a building site in the district in which such lot is situated, and having its principal frontage on a street.

**Subdivision 8. Plat.** The map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval.

**Subdivision 9. Subdivision.** The division or redivision of a lot, tract or parcel of land regardless of how it is to be used, into two or more lots either by plat or by metes and bounds description; or the division or redivision of land involving dedication of a new park, playground, street or other public right-of-way facility, or the vacation, realignment or any other change in existing streets, alleys, easements, recreation areas, water or other public improvements or facilities.