

Ordinance 268

Subdivision Ordinance

City of Perham, Minnesota

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SUBDIVISION ORDINANCE OF PERHAM, MINNESOTA

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN THE CITY OF PERHAM, DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS; PROVIDING FOR THE DEDICATION OF CERTAIN LAND FOR PARKS AND PLAYGROUNDS; ESTABLISHING PROCEDURES FOR APPROVAL AND THE RECORDING OF PLATS; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

The City Council of the City of Perham, does ordain:

SECTION 1. GENERAL PROVISIONS

Subdivision 1. Short Title.

This Ordinance shall be known as the "Subdivision Ordinance of the City of Perham", and will be referred to herein as "this Ordinance."

Subdivision 2. Purpose and Intent.

It is the purpose of this ordinance to establish regulations and requirements for the subdivision of property within the jurisdiction of this ordinance, in order to provide for orderly development and extension of municipal services and to safeguard the best interests of the City of Perham in accord with Minnesota Statutes, which regulations the City Council deems necessary for the health, safety, and general welfare of this community.

Subdivision 3. Jurisdiction.

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

Subdivision 4. Application of Ordinance.

Any plat filed after enactment of this Ordinance for each subdivision or each part thereof lying within the jurisdiction of this Ordinance shall be prepared, presented for approval, and recorded as

prescribed by this Ordinance.

These regulations shall apply to the subdivision of any lot, tract or parcel of land into two or more lots, tracts or the division of land including the resubdivision or replatting of land or lots. The following subdivisions shall be exempt from the requirements of this section:

- A. The subdivision of land into tracts 5 acres or larger in area located outside the shoreland district and 20 acres within the Shoreland Area.
- B. The subdivision of a platted lot for the purpose of attachment to a contiguous lot or to create two lots and the newly created property line will not cause the remaining portion of the lot or any structure to be in violation with this ordinance or the zoning ordinance.
- C. Conveyances to a governmental unit or public utility for the purpose of roads, streets residual, substations, poles, towers, telephone booths, etc.

All conveyances which are exempted above in which the land conveyed is described by metes and bounds are subject to Section 6, Subd. 2 of this ordinance.

Subdivision 5. Approvals Necessary for Acceptance of Subdivision Plats.

Before any plat shall be recorded or be of any validity, it shall be approved by the Council of the City of Perham, after receiving review and recommendation from the Planning Commission, as having fulfilled the requirements of this Ordinance.

Subdivision 6. Compliance.

No plat of any subdivision shall be entitled to record in the Otter Tail County Recorders Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

Subdivision 7. Building Permits.

No zoning, building, or other permit shall be considered for issuance by the City of Perham for the use of any property or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this ordinance have been fully complied with.

Subdivision 8. Land Suitability.

Each lot created through subdivision, including planned unit developments, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed

subdivision or County.

SECTION 2. RULES AND DEFINITIONS

Subdivision 1. Rules.

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; and the word "shall" is mandatory and not discretionary.

Subdivision 2. Headings.

Headings used in this ordinance are for convenience only and do not define, limit or construe the contents of the ordinance.

Subdivision 3. Definitions.

For the purpose of this Ordinance, certain words and terms are hereby defined as follows;

Alley - A public right-of-way which affords a secondary means of access to the side or rear of those abutting properties whose principal frontage is on a street.

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

Boulevard - The portion of the street right-of-way between the curb line or edge of street and the property line.

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

City or Perham - The City of Perham, Minnesota.

City Council - The governing body of the City of Perham.

City Planning Commission - The City of Perham Planning Commission.

Comprehensive Plan - The group of maps, charts and texts that make up the Comprehensive long-range Plan of the City.

Cul-de-sac - A minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

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.

Easement - A grant by a property owner for the use of land for the purpose of constructing and maintaining drives and utilities, including but not limited to, wetlands, ponding areas, sanitary sewers, watermains, electric lines, telephone lines, storm sewers, or storm drainage ways and gas lines.

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

Individual Sewage Treatment System - A facility for receiving or treating sewage which is not a part of or connected to a public sewer system.

Lot - A parcel or portion of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces herein required. Such lot shall have frontage on an improved public street.

Lot Area - The total horizontal area within the lot lines of a lot exclusive of any portion of the right-of-way of any public roadway.

Lot Depth - The distance between the midpoint of the front line and the midpoint of the rear lot line.

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 - The property line bounding a lot except where any portion of a lot extends into the public right-of-way, the line of such public right-of-way shall be the lot line.

Lot Line, Front - That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street.

Lot Line, Rear - That boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

Lot Width - The maximum horizontal distance between the side lot lines of a lot measured parallel to the front lot line and at the required front yard setback..

Metes and Bounds - A method of describing property lines by means of their direction and distance from a point established by a registered land survey.

Ordinary High Water Level - The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which 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.

Parcel - An area of land established by plat, metes and bounds, registered land survey, auditors plat,

or other acceptable means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Parks and Playgrounds - Public lands and open spaces in the City of Perham dedicated or reserved for recreation purposes.

Percentage of Grade - On street center line, means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.

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

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvements, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

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.

Right-of-Way - Land dedicated or public owned for use as a street or for other public purposes.

Setback - The distance between each side of a building and the property line nearest thereto.

Shoreland Area - Land located within the following distances from public water: 1,000 feet from the Ordinary High Water Level of a lake, pond or flowage; and 300 feet from a river or the landward extend of a flood plain designated on a river, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Department of Natural Resources.

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

Streets; Collector Streets - Those streets which are used primarily for access to abutting properties and for local traffic movement.

Streets; Thoroughfares or Arterial Streets - Those streets carrying larger volumes of traffic and intended to provide for collection and distribution of traffic between highways and collector streets.

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

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

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

Tangent - A straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

Vertical Curve - The surface curvature on a road or highway center line located between lines of different percentage of grade.

SECTION 3. PLATS: SUBMISSION PROCEDURE, DATA REQUIREMENTS AND REVIEW

Subdivision 1. Preliminary Plat.

The following procedures shall be followed in the administration of this ordinance and no real property within the jurisdiction of this ordinance shall be subdivided and offered for sale or a plat recorded until these requirements are met.

A. Procedure:

1. Filing:

Ten (10) copies of the preliminary plat, the requirements of which are set forth in this ordinance, shall be submitted to the City Manager at the City Office at least thirty (30) days prior of the next regularly scheduled Planning Commission meeting. The preliminary plat shall be accompanied by a fee as established by Resolution of the City Council. Such fees to be used for the expense of the City in connection with the review, inspection, approval, or disapproval of said plat which may thereafter be submitted.

2. Review:

The City Manager may instruct the City Engineer and City Staff to prepare technical reports where appropriate and to provide general assistance in preparing a recommendation on the action to the Planning Commission. Pursuant to Minn. Stat. 462.358 Subd.3, as it may be amended from time to time, requires that approval or disapproval of the preliminary plat must be within one hundred and twenty (120) days of the completed application.

3. Approval of the City Planning Commission

The City Planning Commission shall hold a public hearing on said preliminary plat. Notice of public hearing shall be published in a paper of general circulation and sent to property owners within three hundred and fifty (350) feet of the property to be

subdivided at least ten (10) days prior to the hearing date (pursuant to Minn. Stat. 462.357 Subd.3, as it may be amended from time to time). Public notice shall consist of a general description of the proposal, the time, date and place of hearing. For the purpose of notification, ownership of property within three hundred and fifty (350) feet shall be determined by the tax record for the previous year. In case the plat is disapproved, the subdivider shall be notified in writing of the reason for such action and what requirements will be necessary to meet the approval of the Planning Commission.

4. Approval of the City Council

After the public hearing and review of the preliminary plat by the Planning Commission, such preliminary plat, together with the recommendations of the Planning commission, shall be submitted to the City Council for consideration at their next regularly scheduled meeting. Approval or disapproval of the preliminary plat shall be conveyed to the subdivider in writing within thirty (30) days after the meeting of the City Council at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the City Council. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the final plat. This approval of the preliminary plat shall be effective for a period of one (1) year, unless an extension is granted by the City of Perham. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion of the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval.

B. Data Required:

The subdivider shall prepare and submit a preliminary plat as follows, together with any necessary supplementary information:

- i. Contents - The preliminary plat shall contain the following information:
 - (a) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.
 - (b) Legal description and total acreage of the property to be subdivided.
 - (c) Names and addresses of the subdivider and the designer making the plat.
 - (d) Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.
 - (e) Date and north point.
 - (f) Existing Conditions in tract and in surrounding area to a distance of three hundred (300) feet:

- (1) Location, width, and name or identifying number of each existing or platted street, road or other public way, railroad, utility easements, parks and other public open spaces, and permanent buildings, within or adjacent to the proposed subdivision.
 - (2) If the proposed subdivision is a re-arrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original names, shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways or easements of the original plat shall be so indicated.
 - (3) Existing topography, with contour intervals of not more than ten (10) feet, related to United States Geological Survey datum; also the location of water courses (including the Ordinary High Water Level or highest known high water level), ravines, bridges, lakes, springs, near shore aquatic vegetation, wetlands, wooded areas, bluffs, steep slopes, rock outcroppings, approximate acreage and footages, and other such features as may be pertinent to the subdivision.
 - (4) All existing sewers, water mains, gas mains, culverts, storm drains, power or communication cables or other underground installations within the proposed subdivision or immediately adjacent thereto.
- (g) Proposed Development:
- (1) The location and width of proposed streets (including proposed names of streets in conformance with City and County street identification policies), roads, alleys, pedestrian ways and easements.
 - (2) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationship between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing and potential adjacent subdivisions.
 - (3) Layout, numbers and approximate dimensions of lots and the number or letter of each block.
 - (4) The location and character of all proposed public utility lines including sewers (storm and sanitary), water, gas and power lines. Extension of an existing community water and sewer system shall be used wherever feasible. All extensions and connections to the municipal system shall be approved by the City Engineer and supervised by the City Public Works Department.
 - (5) In plats where public water and sewer are not available, the subdivider shall file a report prepared by a registered civil engineer on the feasibility of individual on-site sewer and water systems on each lot, and shall include soils boring analysis and percolation test to verify conclusions. If individual systems are being proposed, the

location of septic system site and an alternate septic systems site as required by Minnesota Rules 7080.0300 subpart 2.

- (6) Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
- (7) Building setback lines with dimensions.
- (8) Proposed surface drainage diagrams for lots in the form of arrows, proposed contours or other appropriate method, and proposed storm water management plan.
- (h) A copy of proposed protective covenants.
- (i) 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.

2. **Supplementary Requirements:**

Upon request of the Planning Commission, supplementary information shall be submitted; such supplementary information may include, but are not limited to, the following:

- (a) Two (2) copies of profiles for each proposed street and road, showing existing grades and proposed approximate grades and gradients on the center line. The location of proposed culverts and bridges shall also be shown.
- (b) Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings.
- (c) Soil tests and reports, as specified by the City Engineer, by an approved soils laboratory.
- (d) Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
- (e) Vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

Subdivision 2. Final Plat.

After the preliminary plat has been approved, the final plat may be submitted for approval as follows:

A. Procedure:

1. Filing:

The Subdivider shall submit two (2) hardshells, one (1) transparency copy, and six (6) duplicate copies of the final plat, the requirements of which are set forth in this ordinance, shall be submitted to the City Manager at the City Office at least thirty (30) days prior of the next regularly scheduled Planning Commission meeting.

2. Review:

The City Manager and other City Staff shall check the final plat to see that it is in substantial conformity with the preliminary plat as approved by the City Council, including any special conditions added by the City Council, and prepare a recommendation to the Planning Commission. Pursuant to Minn. Stat. 462.358 Subd.3, as it may be amended from time to time, approval or disapproval of the final plat must be within sixty (60) days of the submission for the final approval.

3. Approval of the City Planning Commission:

The Planning Commission shall review said final plat at the following regularly scheduled meeting. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.

4. Approval of the City Council:

After review and approval of the final plat by the Planning Commission, such final plat, together with the recommendation of the Planning Commission, shall be submitted to the City Council for action. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, alleys, easements, or other public ways, and parks, or other open spaces dedicated to public purposes. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Board and reported to the subdivider applying for such approval within thirty (30) days.

5. Recording:

If the final plat is approved by the City Council, the subdivider shall record it with the Otter Tail County Recorder within ninety (90) 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. No zoning or other permits shall be issued for any lot in said plat until the City has received evidence of the plat being recorded by Otter Tail County.

B. Data Required

The subdivider shall submit a final plat together with any necessary supplementary information.

1. **Recording Fee** - The filing should be accompanied by the fees for recording the plat with the County Recorder.
2. **Contents** - The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and as required below:
 - (a) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
 - (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 and which boundaries must be shown in relation to a known section, quarter section or quarter-quarter section corner, or Subdivision Plat of Record.
 - (c) The location of monuments shall be shown and described on the final plat. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency or road lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one half (1/2) inch or larger in diameter marked with the surveyor's registration number. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate bearings and distances. Permanent monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.
 - (d) Location of lots, streets, roads, 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, area in square feet of all lots, 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 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 roads to be dedicated.
 - (g) Location and width of all easements to be dedicated.
 - (h) Scale of plat (the scale to be shown graphically and in feet per inch), date, and north point.
 - (i) Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under

and along the strips marked "utility easements".

- (j) Statement dedicating all streets, alleys, and other public areas not previously dedicated as follows: Streets, alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

3. Certifications Required:

- (a) Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by him/her and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct. Form for approval by registered land surveyor:

“I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of the Subdivision Controls Ordinance of the City of Perham and Chapter 505 of the Minnesota Statutes.”

- (b) The subdivider shall submit with the final plat an opinion by an attorney admitted to the practice of law in the State of Minnesota certifying that the developer has good and marketable title to the property being subdivided including any property being dedicated to the public use. The attorney shall also sign the following statement on the face of the plat prior to filing:

“I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.”

- (c) Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, roads, and other public areas.
- (d) Certification showing that all taxes and special assessments currently due on the property have been paid in full.
- (e) Space for certificates of approval to be filled in by the signatures of the Mayor and City Manager. The form of certificate by the City Council is as follows:

Approved by the City of Perham, Minnesota this ____ day of _____.

Signed:
Mayor

Attest:
City Manager

SECTION 4. DESIGN STANDARDS

Subdivision 1. Blocks.

- A. Block Length - In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed thirteen hundred twenty (1,320) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/ or easements through the block may be required near the center of the block.
- B. Block Width - The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

Subdivision 2. Lots.

- A. Area - The minimum lot area, lot width, and lot depth shall conform to the requirements of the Zoning District in which the plat is situated as required by the Perham Zoning Ordinance.
- B. Corner Lots - Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required by the Perham Zoning Ordinance.
- C. Side Lot Lines - Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- D. Frontage - Every lot must have the minimum frontage on a City approved street other than an alley, as required in the Perham Zoning Ordinance.
- E. Frontage on Two Streets - Double frontage, or lots with frontage on two parallel streets, shall not be permitted except where lots abut on a highway or other arterial street, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional ten (10) feet in order to allow space for screen planting along the back lot line.
- F. Setback Lines - Setback or building lines shall be shown on all lots and shall not be less than the setbacks required by the City of Perham Zoning Ordinance.
- G. Water Courses - Lots abutting a water course, wetland, ponding area, or stream shall have additional depth and width, as required by the Perham Zoning Ordinance and Perham Shoreland Management Ordinance.

- H. Features - In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar situations which if preserved will add attractiveness and stability to the proposed development.
- I. Remnants - All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

Subdivision 3. Streets and Alleys.

- A. Streets, Continuous - Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- B. Local Streets and Dead-End Streets - Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but proper cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs shall not be longer than five hundred (500) feet, include a terminal turnaround which shall be provided at the closed end, with a right-of-way radius of not less than seventy (70) feet.
- 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 tentative plan of a proposed future street and road system for the portion shall be prepared and submitted by the subdivider, if required.
- D. Provisions for Resubdivision of Large Lots and Parcels - 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 roads and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- E. Street Intersections - Streets shall be designed 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 (80) degrees. Road intersection jogs with an offset of less than one hundred twenty-five (125) feet shall be avoided.
- F. Subdivision Abutting Major Right-of-Ways - Wherever the proposed subdivision contains or is adjacent to the right-of-way of a State or Federal highway, provision may be made for a frontage road approximately parallel and adjacent to the boundary of such right-of-way, or for a street at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for the minimum distance required for approach connections to future grade separations, or for lot depths.
- G. Sidewalks - In those cases where the City Council deems appropriate and necessary, sidewalks of not less than five (5) feet in width shall be provided in residential areas and not less than six (6) feet in width shall be provided in commercial areas. In all cases where

sidewalks are provided, provisions shall be made for handicapped access.

H. Alleys – Alleys shall be provided in commercial and industrial districts to provide off-street service access, except that this requirement may be waived where other definite and assured provision is made for service access, such as on-site loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than thirty (30) feet wide. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turn-around facilities are provided at the closed end.

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

J. Street Right-of-Way Width - For all public ways hereafter dedicated, the minimum right-of-way widths for streets, alleys, and pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

All Streets	66 feet
Alley	30 feet
Pedestrian Way	10 feet

Subdivisions adjacent to existing subdivisions shall meet the existing standards, unless so separated by a county or state highway.

K. Street Grades – Except when, upon the recommendation of the City Engineer, the topography warrants a greater maximum, the grades on all streets and alleys in any subdivision shall not be greater than as follows:

Arterial street	4 percent
Collector street	5 percent
Alley	8 percent

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

L. Street Alignment - The horizontal and vertical alignment standards on all roads, highways and streets shall be as follows:

1. Horizontal - radii of center line:

Arterial street	500 feet - minimum
Collector street	400 feet - minimum
Alley	150 feet - minimum

2. Vertical - All changes in street grades shall be connected by vertical parabolic curves of such length as follows:

Arterial street	20 times the algebraic difference in the percent of grade of the two adjacent slopes
Collector street	10 times the algebraic difference in the percent of grade of the two adjacent slopes

- M. Private Streets - All proposed streets or roads shall be offered for dedication as public rights-of-way. No private streets or roads shall be permitted.

Subdivision 4. Easements.

- A. Width and Location - An easement for utilities at least six (6) feet wide shall be provided along all lot lines and at least ten (10) feet wide shall be provided along lot lines abutting undeveloped property. If necessary for the extension of water main or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- B. Continuous Utility Easement Location - 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, upon the recommendation of the Planning Commission.
- C. Guy Wires - Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.
- D. Water Courses – Where a subdivision contains or is traversed by a water course, drainage way, or channel, there shall be provided a storm water easement, drainage right-of-way, or park dedication conforming substantially with the lines of such water course, together with such further width or construction or both as will be adequate for the stream channel. The width of such easements shall be determined by the City Engineer.

SECTION 5. BASIC IMPROVEMENTS

Subdivision 1. General.

- A. Approval
1. Before the City Council approves a final plat, the subdivider shall give satisfactory assurance of the provisions of the Ordinance will be followed.
 2. No final plat shall be approved by the City Council without first receiving a report from the City Engineer certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. All of the required improvements to be installed under the provisions of the Ordinance shall be inspected during the course of their construction by the City Engineer and/or Public Works Superintendent. Upon completion of the improvements, drawings showing all improvements “as

built” shall be filed with the City Engineer and Public Works Superintendent.

3. The subdivider shall reimburse the City for all expense incurred by the City for engineering, legal fees, and other expenses in connection with such review, inspection, and installation of such improvements. The City may require the subdivider to establish an escrow account in an amount determined by the City to reimburse the City for such direct costs of professional services.
4. A certified copy of the plat restriction shall be filed with the City Manager and Otter Tail County Recorder which shall include a provision that, in all instruments of sale or conveyance given before all street improvements have been made, the grantee shall agree to and approve such improvements and the assessment of their cost.

B. Financing of Improvements

1. Upon recommendation of the City Engineer and with approval of the City Council, any or all of the required improvements may be financed and assessed by the City pursuant to Minn. Stat. 429. Length of assessment period and rate of interest shall be determined by the City Council. The City retains the right to require additional provisions of the developer in providing financing, including financial security for the payment of the special assessments, as agreed upon in a development agreement with the subdivider and City.
2. If deemed advisable and to be in the best interests of the City, the City Council may require the developer to finance and pay for any or all improvements. Prior to the making of such required improvements, the owner or subdivider shall deposit with the City Manager an amount equal to the City Engineer’s estimated cost of any or all such improvements which are to be financed by the developer, either in cash or an indemnity bond, with sureties to the satisfaction of the City, conditioned upon the payment of all construction costs incurred in making such improvements and all expense incurred by the City for engineering and legal fees and other expense in connections with the making of such improvements.

Subdivision 2. Improvements.

- A. The City will construct, furnish, and install the following improvements in accordance to City specification.
 1. Street Lighting - Street lighting shall be constructed by the City, preferably after curb and gutter have been installed. If additional or other type of lighting is desired by the developer, the increased cost for such shall be paid by the developer.
 2. Signs – Street name signs and traffic control signs shall be installed conforming to the Minnesota Manual of Uniform Traffic Control Devices and City specifications.
- B. The subdivider shall pay the proportionate amount of the following improvements in accordance with Subdivision 1 of this section.
 1. Site Grading - Necessary site grading shall be accomplished by the subdivider in

accordance to the elevations approved by the City Engineer.

2. Street Improvements - Street improvements consisting of grading and base material, paving, and curb and gutter shall be constructed in accordance with plans as approved by the City Engineer.
 - (a) Streets shall be graded for the total width of the right-of-way and to the elevations as approved by the City Engineer. A minimum of four (4) inches of granular base material shall be applied to the width necessary for the street surface. More base material should be applied if required to stabilize the road bed.
 - (b) All dedicated roadways shall have a roadbed of not less than twenty-four (24) feet in width when a permanent gravel surface is anticipated and not less than forty-four (44) feet when a bituminous surface is anticipated. All cul-de-sacs, regardless of surface type, shall have a minimum traveled surface diameter of one hundred (100) feet. Where graveling is required, the minimum gravel thickness shall be three (3) inches compacted or four (4) inches. Paving shall be done in accordance with the standards and specifications of the City Engineer. If the plat is located within the city limits, paving of all streets will be required. If the plat is located within the township at the time of the subdivision request, the streets shall comply with the minimum standards of the township in which the plat is located.
 - (c) Curb and gutter shall be required for all plats within the city limits. If the plat is located within the township at the time of the subdivision request, curb and gutter shall be installed as required by the township.
3. Storm Water Management - Storm water management plans shall be approved and constructed in accordance with the recommendation of the City Engineer.
 - (a) When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - (b) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and delay runoff volumes.
 - (c) Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development to control erosion. Disturbed areas must be stabilized and protected as soon as possible.
 - (d) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Top soil shall be restored or provided to a depth of four (4) inches and shall be of a quality at least to the soil prior to development.
 - (e) Storm sewers, culverts, storm water inlets, storm water ponds, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision and for protection of

lakes, watercourses, and wetlands.

4. Water Supply – Wherever connection with a community or public water system is available, the public water system shall be used. Where it is neither practical nor economical for the City to extend public water service, private water supplies shall be constructed according to City and State specifications.
5. Sanitary Sewer - Wherever public sanitary sewer is or will be available at the boundary of a subdivision, the subdivider shall be required to install sanitary sewers and connect to the public system. Where it is neither practical nor economical for the City to extend public sewer service, private individual sewage treatment systems shall be constructed according to City and State specifications.

Subdivision 3. Parks and Open Space Criteria.

- A. Dedication of Parks and Recreational Land for Residential Areas - Upon request of the City Council, in consideration of the particular type of residential development proposed, the subdivider shall be required to dedicate and deed to the City such areas of a character, extent, and location suitable to the needs created by such development for park and other recreational purposes. It is hereby found and declared that at the time of platting it is reasonable to require an amount of land equal to five (5) percent of the total land proposed to be subdivided (exclusive of land area dedicated for public streets or other public purposes) for parks and recreation purposes. (amended April 13, 2009 – Ordinance #282)
- B. Alternative - As an alternative, if the land proposed for dedication does not meet the needs of the area, the City Council may require the subdivider to pay in cash an amount equal to five (5) percent of the fair market value of the undeveloped land as defined in these regulations in lieu of the dedication of the land. The fair market value shall be determined by the County Assessor's Office. For purposes of this section only, undeveloped land shall be defined as bare, platted land after utilities, streets and other normal improvements are in place. The cash payment shall be used for the purchase of the land or the development of existing or future parks and playgrounds in the same general area. When land is dedicated and deeded to the City for park purposes, it shall be the responsibility of the City Parks Department to maintain such dedicated property.

SECTION 6. REGISTERED SURVEYS AND CONVEYANCE BY METES AND BOUNDS

Subdivision 1. Registered Land Surveys.

It is the intention of this Ordinance that all registered land surveys in the City of Perham shall be presented to the Planning Commission and the City Council in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats and that the Planning Commission and City Council shall first approve the arrangement, sizes, and relationships of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless such approvals have been obtained from the Planning Commission and City

Council in accordance with the standards set forth in this Ordinance, building permits will be withheld 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.

Subdivision 2. Conveyance by Metes and Bounds.

A. Restrictions

No division of one or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded unless a surveyor's sketch is provided and all tracts meet the following standards:

1. Meet one of the exceptions listed in Section 1, Subd. 4 of this ordinance;
2. Public road access is provided; and
3. The parcels have access to a public sewage treatment system or have suitable area for the installation of two standard onsite sewage treatment systems.

B. Surveyor's Sketch

Any surveyor performing a survey in the City of Perham shall file a copy of that survey and a copy of the conveyance with the Office of the City Manager and County Recorder. The surveyor's sketch shall meet the following standards:

1. Illustrate the subdivider's entire lot, parcel, or tract which is subdivided by the conveyance or other document;
2. Identify the location of any wetlands on the property;
3. Identify all roads;
4. Contains the following form for signature by the property owner: "I hereby certify that the subdivided property described in this survey meets the city requirements for public road access and sewage treatment systems."

C. Enforcement

Building permits will be withheld on tracts which have been subdivided and conveyed by metes and bounds without submission of a surveyor's sketch and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

SECTION 7. VARIANCES FROM STANDARDS

Subdivision 1. Findings.

The City Council, with recommendation from the Planning Commission, may grant a variance from the minimum standards of this ordinance (not procedural provisions) when, in its opinion, unusual hardship may result from strict compliance. In granting any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. The City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be granted when the City Council finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land.
2. That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which the property is situated.
3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography, etc.

Subdivision 2. Procedure.

1. Filing:

Requests for a variance or appeal shall be filed with the City Manager on an official application form at least thirty (30) days prior to the next regularly scheduled Planning Commission meeting. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by five (5) copies of detailed written and graphic materials necessary to explain the request.

2. Review:

The variance application shall be referred to the City Staff and City Engineer for a report and recommendation to be presented to the Planning Commission. The City Staff and City Engineer shall have the authority to request additional information from the applicant concerning the variance or to retain expert testimony with the consent and at the expense of the applicant concerning said variance where said information is declared necessary to insure preservation of health, safety, and general welfare. The "60 day rule" as established by Minn. Stat. 15.99 applies to requests to variances; therefore decisions on the variance must be made and communicated to the applicant in writing within sixty (60) days of a completed application, except when an extension of time is requested by the City as provided by Minn. Stat. 15.99 Subd. 3.

3. Approval of the City Planning Commission

The City Planning Commission shall hold a public hearing on said variance. Notice of public hearing shall be published in a paper of general circulation and sent to property owners within three hundred and fifty (350) feet of the property to be subdivided at least ten (10) days prior to the hearing date. Public notice shall consist

of a general description of the proposal, the time, date and place of hearing. For the purpose of notification, ownership of property within three hundred and fifty (350) feet shall be determined by the tax record for the previous year.

4. **Approval of the City Council**

After the public hearing and review of the variance by the Planning Commission, such variance, together with the recommendations of the Planning commission, shall be submitted to the City Council for consideration at their next regularly scheduled meeting. Approval or disapproval of the preliminary plat shall be conveyed to the subdivider in writing within thirty (30) days after the meeting of the City Council at which such variance was considered.

SECTION 8. ENFORCEMENT

Subdivision 1. Recorder's Responsibilities

The County Recorder shall submit to the City Manager copies of any documents presented for filing which appear to be in violation of this ordinance. The City Manager shall examine each such instrument to determine whether the proposed conveyance complies with this ordinance. If the conveyance does not comply with this ordinance, the City Manager shall give notice by mail of the potential violation to the parties to the conveyance.

Subdivision 2. Sale of Lots from Unrecorded Plats.

It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land in violation of this ordinance.

Subdivision 3. Misrepresentations as to Construction, Supervision, or Inspection of Improvements.

It shall be unlawful for any subdivider, person, firm or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets or alleys of said addition or subdivision or any sewer and water in said addition or subdivision has been constructed according to the plans and specifications approved by the City Engineer, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised, or inspected.

Subdivision 4. Penalty.

Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Refusal to comply with the Ordinance after notice from the City that a violation exists shall constitute a separate offense. This Ordinance may be enforced through the City of Perham Administrative Penalties Ordinance in addition to civil and misdemeanor prosecution.

Subdivision 5. Civil Enforcement.

The City, in addition to other remedies, may institute other appropriate actions or proceedings to prevent, restrain, correct or abate any violations or threatened violations, and it shall be the duty of the City Attorney to institute such action.

SECTION 9. VALIDITY

If any section, sub-section, 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.

SECTION 10. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this 12th day of January 2009, by the City of Perham, Minnesota.

Mayor

ATTEST:

City Manager