

CITY OF RUSHFORD, MINNESOTA

SUBDIVISION REGULATIONS

RUSHFORD PLANNING COMMISSION

**CITY OF RUSHFORD
SUBDIVISION REGULATIONS**

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An ordinance regulating the subdivision and platting of land within the corporate limits of the city of Rushford, Minnesota, providing for the installation or guarantee of installation of utilities, street pavements and other essential development by the subdivider; providing for the imposing of plat approval fees; and prescribing penalties for the violation of its provisions; and this ordinance shall establish minimum requirements adopted to protect the public health, safety, morals, comfort, convenience and general welfare of the people.

CHAPTER 1

PURPOSE AND INTERPRETATION

SECTION:

1.10: Purpose

1.10: Purpose:

Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will be of necessity, forced to adhere. Piecemeal planning of such subdivisions, without correlation to the Comprehensive Plan, can bring a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of the City of Rushford shall, in all respects, fully comply with these regulations. In their interpretation and application, the provisions of these regulations shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare. It is the intent of this ordinance to provide regulations to the authority stipulated in MSA chapter 462, 471, and 505, which regulations the City Council deems necessary.

CHAPTER 2

APPLICATION OF REGULATIONS AND SCOPE

SECTION:

2.10: Application of Regulations and Scope

2.10: Application of Regulations and Scope:

The rules and regulations governing plats and subdivisions of land contained herein shall apply within the City of Rushford, and to all unincorporated lands lying within two miles of the corporate limits of Rushford.

- A. Except when such division consists of parcels having an area of two and one-half acres or more with a frontage on a public right-of-way measuring one hundred fifty feet or more and when such division does not necessitate the dedication of public rights-of-way; if a lot which is a part of a plat recorded in the office of the County Recorder of Fillmore County is to be divided and such division will not cause any structure on the lot to be in violation of the required yards, the lot to be in violation of the required area or dimension, said lot division may be approved upon submission of a survey by a registered land surveyor showing the lot and the proposed division.
- B. Unless approved as a final plat as provided herein, no subdivision shall be entitled to recorded in the County Recorder's office or shall it have any validity, and the Zoning Administrator shall not issue zoning permits for any structure on a lot containing less than two and one-half acres in any proposed subdivision that has been sold or transferred by using a metes and bounds description without specific prior approval of the city council. The City Council shall not permit any public improvements to be installed unless the preliminary plan is approved and shall not permit any services until approval of the final plat.

It is not intended by these regulations to in any way impair or interfere with private restrictions placed upon property by deed, covenant or other private agreements which are equal to or more restrictive, or with restrictive covenants running with the land to which the City is a party except that the most restrictive shall apply.

CHAPTER 3

DEFINITIONS

SECTION:

3.10: Interpretation

3.20: Definitions

3.10: Interpretation:

For the purpose of these regulations, the following terms, phrases, words, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

3.20: Definitions:

A. The following definitions shall pertain to works used in this ordinance.

1. Attorney or City Attorney: The attorney employed by the city unless otherwise stated.
2. Block: A tract of land bounded by streets or a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines, waterways or within the political jurisdictional limits of the City of Rushford.
3. Boulevard: The portion of the street right-of-way between the curb line and the lot line.
4. Butt Lot: A lot at the end of a block and located between two corner lots.
5. City: The City of Rushford, Minnesota.
6. Comprehensive Plan: A comprehensive plan adopted by the City Council, indicating the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the community of Rushford and includes any unit or part of any such plan separately adopted and any amendment to such plan or parts thereof.
7. Development: The act of building structures and installing site improvements.
8. Double Frontage Lots: Lots which have a front abutting one street and a back or rear line abutting on another street.

9. Drainage Course: A water course or indenture for the transmission of surface water.
10. Easement: A grant by an owner of land for the specific use of said land by the public generally or to a person or persons.
11. Engineer or City Engineer: The registered engineer employed by the City unless otherwise stated.
12. Final Plat: The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Recorder. Said plat must conform to all State laws.
13. Key Map: A map drawn to a small scale which shows the area proposed to be platted and the areas surrounding it to a given distance.
14. Lot: The smallest unit of a subdivision individually numbered or designated on the plat for purposes or description, recording, conveyance, development, and taxation.
15. Metes and Bounds Description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distance of the lines forming the boundaries of the property or delineated a fractional portion of a section, lot or area by described lines or portions thereof.
16. Minimum Subdivision Design Standards: The guides, principles, and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.
17. Natural Waterway: A natural passageway in the surface of the earth, so situated and having such a topographical nature that surface water flows through it from another area before reaching a final ponding area or stream.
18. Owner: An individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
19. Pedestrian Way: The right-of-way across or within a block for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.

20. Person: Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.
21. Planned Unit Development (PUD): A tract of land which contains or will contain two or more principal buildings, developed or to be developed under unified ownership or control, the development of which may be unique and of a substantially different character than that of the surrounding areas.
22. Planning Commission: The body duly constituted by the City Council and empowered to carry out all duties requested by it under the provisions of the ordinance and all other ordinances of the City of Rushford.
23. Preliminary Plat: The preliminary map, drawing or chart indicating the proposed layout of the subdivision or re-subdivision, to be submitted to the Planning Commission and the City Council for their consideration, as to compliance with the Comprehensive Plan and these regulations along with required supporting data.
24. Private Street: Privately owned street, driveway or access road which serves more than one residence.
25. Protective Covenants: Contracts entered into between private parties constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of value.
26. Sketch Plan: A drawing showing the proposed subdivision or property, not necessarily drawn to scale or with great accuracy, but including all the information required in Section 5.10.
27. Streets and Alleys:
 - a. Street: A way for vehicular and pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated.
 - a1. Collector Street: A street which carries traffic from minor streets to thoroughfares or from a thoroughfare to thoroughfare. It includes the principal entrance streets of a residential development and streets for circulation within such a development.
 - a2. Cul-de-sac: A minor street with only one outlet and having a turnaround.

- a3. **Minor Street:** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
 - a4. **Service Street, Marginal Access Street, or otherwise designated:** A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
 - a5. **Thoroughfare:** A street primarily designated to carry large volumes of inter-city and intra-city traffic.
 - b. **Alley:** A minor way which is used primarily for vehicular service access to the back or the side of properties abutting on a street.
28. **Street Width:** The shortest distance between the lines delineating the right-of-way of a street.
29. **Subdivider:** Any person commencing proceeding under these regulations to affect a subdivision of land hereunder for himself or for another.
30. **Subdivision:** The division of a parcel of land into two or more lots or parcels, and of which resultant parcel is less than 2-1/2 acres in area, for the purpose of transfer or ownership of building development, or if a new street is involved, any division of a parcel of land.

CHAPTER 4

PROCEDURE

SECTION:

- 4.10: Procedure
- 4.20: Pre-Application Meeting
- 4.30: General Development Plan
- 4.40: Preliminary Plat
- 4.50: Final Plat

4.10: Procedure:

Before dividing any tract of land falling within the scope of this ordinance into two or more parcels or lots, the following procedure shall be followed:

4.20: Pre-Application Meeting:

Prior to the preparation of a preliminary plat, the subdividers or owners will meet with the City Planning Commission, City Clerk and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. At that time or at subsequent informal meetings, subdividers are invited to submit a sketch plan in simple form showing that considerations has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and development, and to the topography of the site.

The sketch plan will be considered as the basis for discussion between the subdivider and Planning Commission. Submission of such sketch plan shall not constitute formal filing of a preliminary plat. The Planning Commission will, on the basis of the sketch plan, unofficially advise the subdivider of the extent to which the proposed subdivision conforms to the design standards of this ordinance and the Comprehensive Plan and will discuss possible modifications necessary to obtain approval of the proposed plan.

4.30: General Development Plan:

A document which, through the use of site plans and/or written materials serves as a guide to the future lot, street and drainage patterns established for a site in the planning process. It is the intent of the general development plan requirement to insure that a landowner investigates the broad effects development of property will have not only on the site itself, but on adjacent properties and the public infrastructure system also.

- A. When a General Development Plan is Required: Approval of a general development plan shall be required for any site where the owner owns land adjacent to an area that is seeking preliminary plat.

1. A general development plan shall not be required for any portion of an area for which a general development plan has previously been approved by the Planning Commission, or where the zoning administrator determines that new proposed street or utilities need not continue beyond the land to be subdivided in order to complete an appropriate street system or to provide access to adjacent property.
 2. The Planning Commission shall have the authority to initiate a general development plan for an area for which there is no proposal for subdivision, providing the area is likely to be impacted by a proposed subdivisions.
- B. General Development Plan Procedure: All general development plans shall be processed similar to the preliminary Plat process. A general development plan may be approved by motion of the Planning Commission.
- C. Notification Requirements: Notices for the required public hearing shall be sent to all property owners within 350 feet of the area covered by the proposed general development plan.
- D. Submission Criteria: The plan should show the pattern of future streets and identify possible off-site drainage problems affecting other tracts within 200 feet surrounding and adjacent to the proposed land subdivision, but it need not encompass more than the most relevant 80 acres of such outside tracts.

An application for general development plans shall be accompanied by the following information:

1. Eight (8) copies of a plan on black or blue line prints, drawn at a scale not greater than one inch equals 200 feet, containing the following information:
 - a. Proposed street pattern and street classification for the area under consideration;
 - b. General pattern of land use proposed;
 - c. Topography, with contour intervals of not more than 5 feet on land having slopes less than 15 percent, and 10 feet on lands with slopes greater than 15 percent;
 - d. Identification of flood plain areas, including 100 year flood elevations, if known;
 - e. Identification of soils with particular characteristics that could create difficulties for development; i.e., wet soils, highly erodable soils;

- f. Identification of major drainage corridors on the property;
 - g. Identifications of wetlands, based on the Minnesota 1991 Wetlands Conservation Act;
2. A reduced copy of the plan at 8 1/2" x 11" or 8 1/2" x 14" size.
 3. Two copies of a written summary addressing the following materials:
 - a. Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations;
 - b. Storm drainage problems which, in the estimation of the applicant, may result in costs that will exceed normal storm drainage costs;
 - c. Identification of potential off-site drainage problems;
 - d. Availability of utilities to serve the area under consideration;
 - e. Identification of possible erosion problems which may arise in the estimation of the applicant;
 - f. A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.

E. Criteria for Approval of a General Development Plan: In approving a general development plan, the Planning Commission shall find that:

1. The proposed land uses are generally in accord with the adopted Zoning map, or that the means for reconciling any differences have been addressed.
2. The proposed street and utility pattern is appropriate to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.
3. Utilities are now available to serve the area, or that the City of Rushford planning for the eventual extension of utilities to serve the area.
4. The drainage, erosion, and construction problems in the area can be handled through normal engineering and construction practices, or that, at

the time of land subdivision, a more detailed investigation of these matters is needed to solve unusual problems that have been identified.

5. The lot, block, and street layout is consistent with the City's subdivision design principles.
- F. Recording and Filing of a General Development Plan: Upon final approval, a general development plan shall be made a matter of record as follows:
1. The criteria for approval by the Planning Commission shall be noted in their official minutes:
 2. The approved plan shall be indexed and filed by the zoning administrator in the office of the Rushford City Hall.
- G. City Initiated Revision: A change to an approved general development plan may be initiated by the Planning Commission or Council after submission of the proposed revision to the affected property owners for consideration and comment. The Council shall not approve any city initiated amendments to approve general development plans until the affected parties have had 20 days to review the proposed changes.

4.40: Preliminary Plat:

- A. Before dividing any tract of land into two or more lots or parcels, an owner or subdivider shall, unless a variance is authorized, file with the City Clerk:
1. Eight copies of the preliminary plat.
 2. A cash fee is required when filing the Preliminary Plat. The fee schedule adopted by the City Council is attached as Exhibit A. This fee will be held in escrow by the City Clerk to pay expenses of the City in connection with approval or disapproval of said Plat. City clerk shall refund any unexpended funds within 30 days after acceptance of the final plat or rejection by the City Council of the Preliminary Plat. Cash expenditures by the City in excess of the initial cash fee shall be paid by the subdivider. Each final plat submitted other than the first, as part of the approved preliminary plat, shall require an additional fee.
 3. If the subdivider requests that any existing special assessments which have been levied against the premises described in the subdivision, be divided and allocated to the respective lots in the subdivision plat, the City clerk shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the County Auditor and making such division and allocation, and upon approval by the Council of each estimated cost, the same shall be paid to

the City Clerk in addition to the fee mentioned in the subparagraph above, to cover the cost of preparing and filing such revised assessment.

- B. The City Council shall consider the preliminary plat officially filed after the City Clerk has examined it and other materials submitted in conformity to these regulations and advised the Council that everything is in proper form.
- C. On the same date that it places the preliminary plat on file, the City Council shall:
1. Set a public hearing on the preliminary plat, such hearing to be held within 45 days. The City Council shall authorize the Planning Commission to conduct the hearing and report upon the findings and the Planning Commission's recommendations. The City Council shall cause notice of said hearing to be published once in the official City newspaper at least ten days prior to the hearing. Owners of property within 350 feet of the proposed subdivision, or owners of property which may be assessed as a result of the subdivision, shall be notified in writing of the scheduled public hearing not less than ten days prior to the date of the hearing. City Clerk shall mail notices to the last known address of property owners.
 2. Refer two copies of the preliminary plat to the Planning Commission, one copy to the City engineer, one copy to the County Engineer if the subdivision abuts on a county right-of-way, one copy to the Commissioner of Highways if the subdivision abuts on a State Trunk Highway right-of-way, and one copy to the telephone, power, gas and/or other utility company. The City and County Engineers, the Commissioner of Highways and utility companies shall examine the proposed plat and transmit their reports to the City Council and planning commission within 30 days of receiving the plat. If any person or agency above named fails to submit a report within 30 days, the City may proceed on the assumption that the person or agency has approved the proposed plat.
- D. The Planning Commission shall consider the preliminary plat at its next regular meeting or special meeting, following the referral by the City Council. This meeting may serve as the public hearing if so established by the City Council.
- E. The Planning Commission shall review the Preliminary Plat considering information presented at the public hearing, the report of the City Engineer and other persons or agencies to which copies of the preliminary plat were distributed for review and comment and other technicians if applicable. The Commission may forward to the City Council a favorable, conditional, or unfavorable report and said report shall contain a statement of findings and recommendations. The Commission shall prepare two copies of the report including indications on the map where the proposed plat is not in conformance with these regulations. One copy shall be returned to the subdivider and one copy shall be filed with the City Council within fifteen days after the date of the public hearing.

- F. The City Council shall act on the preliminary plat within 90 days of the date on which it was filed with formal request for approval. If the report of the Planning Commission has not been received in time to meet this requirement, the Council may act on the preliminary plat without such report.
- G. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant.
- H. Approval of a preliminary plat shall not constitute final acceptance of the subdivision, but an acceptance of the general layout as submitted, and an indication to the subdivider that they may proceed toward preparation of the final plat. The City Council may require as a condition of approval such changes or revisions as it deems necessary for the health, safety, general welfare, and convenience of the City.
- I. Subsequent approval of the engineering proposals required by this Ordinance pertaining to water supply, storm drainage, sewerage and sewage disposal, sidewalks, utility service, grading, gradients and roadway widths and construction shall be necessary by the public officials having jurisdiction prior to the approval of the final plat by the City.
- J. No plat will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy and provide adequate street and lot drainage.

4.50: Final Plat:

- A. The owner or subdivider shall file five copies of the final plat not later than six months after the date of approval of the preliminary plat. Otherwise the preliminary plat and final plat shall be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City Council. The owner or subdivider shall also submit at the same time an up-to-date certified abstract of title and such other evidence as the City Attorney may require showing title or control in the applicant.

The final plat will have incorporated all changes or modifications required by the City Council; in all other respects it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time, provided that such portion conforms with all requirements of these regulations.

- B. The City Council shall consider the final plat officially filed after the City Clerk has examined it and advised the Council that it is in proper form.
- C. On the same date that it places the final plat on file, the City Council shall refer two copies of the final plat to the Planning Commission and one copy to the City Engineer. The abstract of title shall be referred to the City Attorney for examination and report. The City Attorney shall report to the City Council for its examination and report. The City Attorney shall report to the City Council within thirty days. The procedure and timing for the submittal of reports by the Planning Commission and the City Engineer and action by the City Council are the same as for the preliminary plat except that no public hearing is required in processing the final plat.
- D. One copy of the final plat shall be submitted to the County by the subdivider for purposes of mathematical checking and compliance with the State and County law; a certificate of compliance shall be returned to the City prior to final approval by the City and all such fees imposed for checking and certification shall be paid for by the subdivider.
- E. Upon approval of the final plat by the City Council, the subdivider shall record it with the County Recorder within 90 days after the date of approval, otherwise the approval of the final plat shall be considered void.
- F. The subdivider shall immediately upon recording, furnish the City Clerk with three prints and a mylar transparency of the final plat showing evidence of the recording and distribution, one to the building inspector, the assessor, the Clerk and the transparency for the City Engineer. No building permits shall be issued until these conditions have been complied with.
- G. Upon receiving approval of a final plat for a portion of the approved preliminary plat, the subdivider shall not be required to request a continuation of the City's recognition of the preliminary plat so as to maintain its approval.

CHAPTER 5
PLATS AND DATA

SECTION:

5.10: Sketch Plans

5.20: Preliminary Plat

5.30: Final Plat

5.10: Sketch Plans:

Sketch plans shall contain as a minimum the following:

- A. Site location map showing the major streets, school location, commercial centers and other significant developments
- B. Tract boundaries
- C. North Point
- D. Streets within and adjacent to the tract
- E. Significant topographical and physical features
- F. Proposed general street layout
- G. Proposed lot size and orientation
- H. Proposed general land use
- I. Name of owner and/or developer
- J. Zoning on and adjacent to the tract

5.20: Preliminary Plat:

A preliminary plat shall contain or have attached thereto the following information:

A. Identification and Description

- 1. Proposed name of Subdivision, which name shall not duplicate or be alike in pronunciation or spelling to the name of any plat theretofore recorded in the County
- 2. Legal description of property according to the records in the Fillmore County office of the County Recorder

3. Names and addresses of the owner and any agent having control of the land, subdivider, surveyor, engineer and designer of the plan
4. Graphic scale not less than one inch to one hundred feet
5. North point
6. Key map including area within five hundred feet radius of the plat.
7. Date of preparation

B. Existing Conditions

1. Boundary lines survey, including measured distance and angles which shall be tied to the nearest section or quarter section corner by traverse.
2. Existing zoning classifications.
3. Total acreage to tenths.
4. Location and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section and corporate lines within the preliminary plat and to a distance one hundred feet beyond.
5. Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred feet beyond.
6. Boundary lines of adjoining unsubdivided or subdivided land within one hundred feet, identified by name and ownership.
7. Topographic data, including contours at vertical intervals of not more than two feet, except where the slope is ten degrees or more, in which case five vertical intervals shall be used. Water courses, marshes, wooded areas, rock outcrops, power transmission lines and poles, and other significant features shall also be shown.
8. All elevations, topography and vertical control data shall be tied to U.S.G.S. datum, 1929 General Adjustments. Temporary benchmarks shall be established within the boundaries of the subdivision. Descriptions reference ties and elevations of the bench marks shall be furnished to the City Engineer.
9. Grading plans, including all proposed changes in grade.

10. Soil erosion and sediment control plan, including gradient of waterways and design of erosion control.
11. Landscaping.
12. Location of prominent natural features such as steep slopes.
13. Vegetation preservation and protection plan including trees and other vegetation proposed to be planted.
14. Existing and proposed open space and parks including pedestrian ways.

C. Subdivision Design Features

1. Layout of proposed streets indicating all bridges showing right-of-way widths and proposed names of streets. 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 same name shall be used.
2. Location and widths of proposed alleys, pedestrian ways, utility and drainage easements.
3. Minimum front and side building setback lines.
4. Layout, numbers and preliminary dimensions of lots and blocks.
5. Areas, other than streets, alleys, pedestrian ways and easements intended to be dedicated or reserved for public use including the size of such area or areas in acres.

D. Other Information

1. Statement of proposed use of lots stating type of residential buildings with number of proposed dwelling units, types of business or industry so as to reveal the effect of the development on traffic, fire hazards or congestion of population, if the developments are to be made by the subdivider.
2. Centerline gradients drawn to a scale of not less than one inch equals 100 feet horizontal and one inch equals 10 feet vertical and typical cross-sections of proposed improvements or proposed improvements of streets and alleys.
3. Preliminary plans or program for water supply, sewage disposal, drainage and flood control.

4. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
5. If the subdivider owns property adjacent to that which is being proposed for subdivision, the Planning Commission shall require 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. All subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.
6. Where structures are to be placed on large lots (over 24,000 square feet), the preliminary plat shall indicate placement of structures.
7. Protective covenants in form of recording, if any.
8. Other information such as soil tests, if requested by the Planning Commission, to aid in its review.

5.30: Final Plat:

- A. The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes, Fillmore County requirements and of this regulation, and shall contain or have attached to it the following data:
 1. Identifications and description data as required for the preliminary plat except that the sheet size shall be 10 x 30 inches or 30 x 40 inches.
 2. Boundaries of the property, right-of-way, lot lines of lots, areas to be reserved for public use and other sites with accurate dimensions, bearing or deflection angles and radii, internal angles, points of curvature, tangent bearing and length of arcs of all curves.
 3. Name and right-of-way width of each street or other right-of-way within and adjoining the plat.
 4. Location, dimensions and purpose of easements.
 5. An identification system for all lots and blocks.
 6. Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and angles.
 7. Accurate location and description of all monuments.

8. Notarized certification by owner and any mortgage holder of record of the adoption of the Plat and the dedication of streets and other public areas, together with indication of limited dedication of any area not dedicated to the public.
9. Certification by the 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.
10. Certification showing that all taxes currently due on the property have been paid in full.
11. Form of approval of the City Council.
12. Form of approval by County authorities as required.
13. An abstract of title showing title or control of the property to be subdivided in the application.
14. Final centerline gradients and typical cross-section of proposed improvements of streets and alleys
15. Finalized program for water supply, sewage disposal, drainage, and flood control.

CHAPTER 6

MINIMUM SUBDIVISION DESIGN STANDARDS

SECTION:

6.10: Conformity With Comprehensive Plan

6.20: Slopes

6.30: Street Arrangement

6.40: Streets

6.50: Alleys

6.60: Pedestrian Ways

6.70: Easements

6.80: Blocks

6.90: Lots

6.95: Parks, Public Sites and Open Space

6.10: Conformity With City Plan:

The proposed subdivision shall conform to the Comprehensive Plan.

6.20: Slopes:

Natural State Requirements. Whenever a subdivision is proposed in an area in which the average slope or individual lot slope (whichever slope is greater) is ten percent and above, the following schedule shall be required for the preservation of natural state:

<u>Percent Average Slope</u>	<u>Percent of Total Land in Natural State</u>
10-14	30
15-19	35
20-24	45
25-29	65
30-34	85
35+	100

- A. "Natural State" shall mean protective watershed cover, natural drainageways and natural slopes.
- B. Uses within the natural state area could include conservation and recreation uses.
- C. It shall be the duty of the Planning Commission to investigate and ascertain whether the proposed residential development plan complies with the following conditions:

1. That the plan is consistent with the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, and the Subdivision Regulations of the City of Rushford.
2. The property adjacent to the area included in the plan will not be adversely affected.

6.30: Street Arrangement:

The arrangement, character, extensions, width, grade and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets to 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 land to be served by such streets.

- A. Continuation of existing streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
- B. Future Projection of Streets. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at the appropriate locations.

6.40: Streets:

- A. Widths: Right-of-way widths and pavement width (face to face of curb) shall be as shown in the Comprehensive Plan and where not shown therein shall not be less than as follows:

<u>Classification</u>	<u>Right-of-Way</u>	<u>Pavement Width</u>
Collector	80'	44'
Minor	66'	36'
Service	50'	28'
Cul-de-sac Streets	66'	36'
Cul-de-sac Radius	60'	45'

- B. Street Intersections: insofar as practical, streets shall intersect at right angles, and in no case shall the angle formed by the intersection of two streets be less than 85 degrees. Intersections having more than four corners shall be prohibited.

- C. Deflections: When connecting street lines deflect from each other or when a single street deflects at one point, by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than one hundred fifty feet for collector and minor streets, and of such radii as the City Engineer shall determine for special cases
- D. Street Jogs: Intersections of adjacent streets or street jogs shall have a centerline off-set of one hundred fifty feet or more when applied to minor streets and service streets. In all other cases, they shall be avoided.
- E. Cul-de-sacs: The maximum length of a street terminating in a cul-de-sac shall be five hundred feet measured from the centerline of the street of origin to the end of the right-of-way.
- F. Centerline Gradients: All centerline gradients shall be at least 0.4 percent and shall not exceed the following: Thoroughfare and collector streets: 10 percent; minor and service streets: 12 percent.
- G. Vertical Curves: Changes in grade shall be connected by vertical curves of minimum length in feet of 20 times the algebraic difference in rates of grade.
- H. Marginal Access Streets: Marginal access streets shall be so aligned that their use by through traffic will be discouraged.
- I. Service Streets: Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the City Council may require a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in a residential district. Such districts shall also be determined with due regard for the requirement of approach grades and future grade separations.
- J. Half Streets: Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations; and except where the City Council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract prior to the granting of access.
- K. Private Streets: A privately owned street, driveway or access road which serves more than one resident shall not be approved nor shall public improvements be approved for any private streets, except in relation to a Planned Unit Development (PUD).

- L. Reserve Strips: Reserve strips controlling access to streets shall be prohibited except under conditions approved by the City Council.
- M. Access to Thoroughfare and Collector Streets: Where a proposed plat is adjacent to a thoroughfare or collector street as designated by the Comprehensive Plan, spacing between access points to such streets of less than 660 feet for collectors and 1,320 feet for thoroughfares shall be avoided except where impractical or impossible due to existing property divisions or topography.
- N. Hardship to Owners of Adjoining Property Avoided: The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing access to it.

6.50: Alleys:

An alley is a service way, other than a street, which affords only a secondary means of public access to abutting property and is not intended for general traffic circulation.

- A. Location requirements: Either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas, other than those zoned for multiple family use, shall not be permitted.
- B. Widths: All alley right-of-way and pavement widths when installed shall conform to the following minimum standards:

<u>Classification</u>	<u>Right-of-Way</u>	<u>Pavement Width</u>
Industrial or Commercial	24'	20'
Residential	20'	16'

- C. Grades: All centerline gradients shall be at least 0.4%.

6.60: Pedestrian Ways:

In blocks over 900 feet long, pedestrian crosswalks through the blocks, and at least 10 feet wide, may be required by the City Council in locations deemed necessary to public health, convenience, and necessity.

6.70: Easements:

- A. Provided for Utilities: Easements at least 10 feet wide along rear and other lot lines shall be provided for utilities where necessary and be dedicated to the City by appropriate language in the owner's certificate. They shall have continuity of alignment from block to block, and at deflection points easement for pole-line anchors shall be provided where necessary. Easements may be required along lot

lines from utility easements on rear lot lines to right-of-way so as to provide for a street light interval not to exceed 300 feet.

- B. Provided for drainage: When a subdivision is traversed by a water course or drainage channel, whether or not shown on the Comprehensive Plan, there shall be provided a drainage easement conforming substantially with the lines of such water course and of such width as may be determined necessary by the City Engineer to provide for proper maintenance and protection and to provide for storm water runoff and installation and maintenance of storm sewers. Where necessary, easements not less than ten feet in width, corresponding with lot lines shall be provided.

6.80: Blocks:

The length, width, and acreage of blocks shall be sufficient to accommodate the size of lots required for the area by the zoning ordinance and to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1,320 feet or shorter than 300 feet only if the City Engineer and Planning Commission agree that exceptions are warranted. Exceptions may be warranted in order to foster design originality provided that such exceptions do not violate sound planning principles. Blocks shall provide for two tiers of lots unless they adjoin a bluff, thoroughfare, water course or park where they may have a single tier of lots.

6.90: Lots:

- A. Location: All lots shall abut by their full frontage of not less than 50 feet on a publicly dedicated street.
- B. Dimensions: The lot dimensions in subdivision designs shall not be less than the minimum dimensions required to secure the minimum lot area specified in the Zoning Ordinance of the City of Rushford.
- C. Corner lots: Corner lots shall be platted at least 15 feet wider than interior lots.
- D. Butt Lots: Butt lots shall be platted at least 5 feet wider than the average width of interior lots in the block.
- E. Double Frontage Lots: Double Frontage Lots or reverse frontage lots shall not be permitted except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. Where so permitted, these lots shall have a planting screen easement of at least 10 feet, and across which there shall be no right of access, along the line of the lots abutting such traffic artery or other disadvantage use.
- F. Water Courses: Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding.

- G. Natural Features: In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which if preserved will add attractiveness, safety and stability to the proposed development.
- H. Lot Remnants: All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- I. Side Lot Lines: Side lot lines of lots shall be substantially at right angles to the street lines.

6.95: Parks, Public Sites and Open Spaces:

- A. Reservation: Where a proposed park, playground, school site or other public site as shown on the Comprehensive Plan is embraced in part or in whole by the boundary of a proposed subdivision and such public sites are not dedicated to the City or Board of Education, such public ground shall be reserved and no action taken towards approval of preliminary or final plat for a period not to exceed 90 days to allow the City Council or Board of Education the opportunity to consider and take action towards acquisition of such public ground or park by purchase or other means.
- B. Dedication: Owners or subdividers shall be required as a prerequisite to approval of a plat or subdivision, to convey to the City, or dedicate to public use for parks, open space or public building site, a minimum of 5 percent of the area to be platted or subdivided. Said land must be suitable and acceptable for said use, as determined by the City Council. In lieu of the conveyance or dedication of land provided for above, the owner or subdivider may, at the option of the City, pay to the City, for use in acquisition and development of parks, a cash payment to the City. Said Payment shall be based upon a formula established by resolution of the City Council. Said dedication or cash payment shall also be subject to the following:
 - 1. Dedication credit shall not be granted for the construction of recreation facilities unless such facilities and land area are dedicated to and accepted by the City.
 - 2. Ponding areas needed as a part of the overall City Storm Drainage Plan may be dedicated and accepted by the City. However, no credit shall be given for park dedication unless said area meets the criteria for public parks as stated in the Comprehensive Plan and is approved as such by the City Council.

If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public uselands in the total subdivision area, except streets, alleys, or easements other than those leading directly to such sites, shall be dedicated at the time of platting of the first addition unless otherwise approved by the City Council. Areas to be dedicated shall be brought to a suitable condition by the subdivider prior to acceptance by the City. All dead trees, trash, debris, junk, unwanted structures or similar undesirable elements shall be removed by the owner at his expense.

C. Maintenance of Common Open Space: Operating and Maintenance Requirements for Residential Subdivision Common Open Space Facilities: In the event certain land areas or structures are provided within the subdivision for private recreational use or as service facilities, the owner of such land and building shall enter into an agreement with the City to assure the continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following depending upon which is more appropriate:

1. Dedicated to public where a community-wide use would be anticipated.
2. Landlord control.
3. Landowners (Homeowners) Association, provided all of the following conditions are met:
 - a. The Landowners (Homeowners) Association must be established prior to the sale of any lot.
 - b. Membership must be made mandatory for each owner, and any successive buyer.
 - c. The open space restrictions must be in perpetuity, not for a given period of years.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of residential and other facilities.
 - e. Landowners, (Homeowners) must pay their pro rated share of the cost. The assessment levied by the Association can become a lien on the property in accordance with Minnesota Statutes.
 - f. The Association must be able to adjust the assessment to meet changed needs.

CHAPTER 7

REQUIRED IMPROVEMENTS

SECTION:

- 7.10: Requirements**
- 7.20: Monuments**
- 7.30: Water Supply**
- 7.40: Sewage Disposal**
- 7.50: Storm Water Drainage**
- 7.60: Streets**
- 7.70: Financing Improvements**
- 7.80: Variation from Requirements**

7.10: Requirements:

The subdivider shall be required to provide the following improvements, installed in accordance with the engineering policy, standards and specifications which have been or may be in the future, adopted by the City Council and appropriate County or State Approving agency. Such improvements shall be subject to inspection and approval by, and accomplished in such sequence as determined by the City Engineer.

7.20: Monuments:

Monuments shall be placed at all boundary corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the approved Final Plat and at government survey corners as required by the Fillmore County Zoning and Planning Department. The preservation of all monuments placed as well as all U.S., State, county and other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be the responsibility of the subdivider.

7.30: Water Supply:

- A. Where the municipal water supply is available within a reasonable distance, and when approved by the City Council, the subdivider shall make connection thereto and water distribution facilities adequate to serve the subdivision including mains, hydrants, valves and service lines to the lot lines shall be installed. Minimum size water main for single family residential development and for other types of development shall be as determined by the City Engineer. Where water main of a size larger than necessary to serve the subdivision is required to be constructed the City Council may, at its discretion, assess the cost thereof over the benefited area which may include land outside of the subdivision under construction or consideration.

- B. Private: Where connection to the municipal water supply is not feasible or permitted by the City Council, the subdivider shall either (a) install an approved system providing each lot with an adequate supply of potable water or (b) state on his final plat that the purchasers of individual lots will be required to install their own approved water wells.

7.40: Sewage Disposal:

- A. Connection to the municipal sanitary sewer system is required and shall conform to the City of Rushford's Sewer and Use and User Charges Ordinance adopted June 26, 1995.

7.50: Storm Water Drainage:

Complete and adequate storm sewer and/or other surface drainage facilities shall be provided as approved by the City Engineer. Marshlands, swamps or ponds used for storm water detention or disposal shall be provided with natural or artificial water level control. No existing marshland, swamp, pond or water course shall be deepened, widened, filled or re-routed without express permission by the City Council. The drainage system shall be constructed and made operational as quickly as possible during development.

7.60: Streets:

- A. Grading: The full width of the right-of-way of all streets and alleys dedicated in the plat shall be graded to the lines and cross sections as shown on the grading plan submitted to and approved by the City Engineer. Exceptions to the width of grading may be granted where topography or tree cover warrant.
- B. Base and Surfacing: Base and surface requirements shall be determined on the basis of analysis of underlying soils and projected traffic for the streets of the subdivision and shall meet minimum State Highway department requirements.
- C. Sidewalks: Concrete, 4 inches thick except at driveways where greater thickness will be required, 4 feet wide in residential areas and of such width as directed in other areas, on both sides of the streets with the outside edge located on the lot line and on pedestrian ways as directed by the City Council. The Planning Commission may recommend to the City Council that this requirement be waived or reduced if it is established that the reasonably anticipated growth of the area and the probable nature of its development, its distance from concentrated urban development and development creating pedestrian travel, and the estimated volume of vehicular traffic on the streets make such sidewalks unnecessary for the protection of the public safety and welfare.
- D. Driveways: Where concrete curb and gutter construction has been prescribed by the City Council, concrete driveways shall be constructed from the curb to the lot line. In cases where driveways are constructed after curbing and sidewalks are in place,

the sidewalk for the width of the driveway, shall be reconstructed to driveway specifications. Where driveways are permitted to access onto thoroughfare or collector streets, the Council may require that provisions be made for an on-site turn-around area which would provide access to the thoroughfare or collector street in a forward direction.

- E. Lighting: Street lights similar in design to those now in place in the City shall be installed at such locations approved by the Planning Commission upon recommendation of the Utility Commission.
- F. Signs: Four-way metal street signs shall be installed at each street intersection.
- G. Street Trees: No trees shall be planted within thirty feet of the intersection of curb lines of corner lots.

7.70: Financing of Improvements:

Before a final plat is approved by the City Council, the subdivider shall submit an agreement to assure the following:

- A. That the subdivider shall pay under terms prescribed in the agreement, for the cost of all improvements required in the subdivision and the subdivision share of costs of trunk facilities to be extended to the subdivision, except such costs as the City shall agree to assess against benefited property.
- B. Guaranteed completion of the required improvements undertaken by the subdivider as approved by the City within a specified time after commencement of any construction in the subdivision, or such portion thereof less than the entire subdivision to be developed at any one time as approved by the City Council, provided that the City Council for good cause may extend the period of time in which the improvements must be installed.
- C. The performance bond or cash escrow shall be equal to one and one quarter times the City Engineer's estimated cost of the required improvements.

CHAPTER 8

VARIANCE FROM REQUIREMENTS

SECTION:

8.10: Interpretation

8.20: Policy

8.30: Minor Subdivision

8.40: Planned Unit Development (PUD)

8.10 Interpretation:

The Zoning Board of Appeals shall consider any requests for variances, conduct necessary public hearings and make recommendation to the City Council. Final approval of variances shall be approved by the City Council.

The Zoning Board of Appeals may recommend a variance from the requirements of subdivision planning procedure or public improvements in specific cases when the tract to be subdivided is of such unusual size, shape, or character or is surrounded by such development or unusual conditions that the strict compliance with the requirements of this article would result in substantial hardship or injustice, or when a group housing or cluster development is proposed.

8.20 Policy:

Policy: In recommending any variation, the Zoning Board of Appeals shall take into account the following:

- A. Nature of the proposed use of land and the existing use of land in the vicinity.
- B. 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.
- C. Those variations that will allow the subdivider to develop his property in a reasonable manner, at the same time preserve the general intent and spirit of these Subdivision Regulations and protect the public welfare and the interests of the City.

8.30: Minor Subdivisions:

In the case of a subdivision of small size and of minor scale situated in a locality where conditions are well-defined, the Planning Commission may recommend to the City Council to exempt the subdivider from complying with some of the requirements stipulated. 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 lot line will not cause the other remaining portion of the lot to be in violation of this ordinance or the Zoning Ordinance, 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 division.

8.40: Planned Unit Development (PUD):

In recognition of changing trends, techniques, and materials in the process of urban development, the City Council and Planning Commission shall provide flexible means to permit development in terms of planned units. The plan shall be reviewed and adjudged in accordance with an integrated design and coordinated physical development which will provide for and insure high standards of development.

Each application for a planned unit development shall be considered as an individual case and review in terms of its land use, circulation and traffic patterns, population and marketability, construction design and timing. Of greatest concern shall be the planned unit development's relationship to the general public health, safety, convenience, and welfare.

All Planned Unit Development projects shall comply to Chapter 14 of the Rushford Zoning Ordinance.

CHAPTER 9

SEPARABILITY

SECTION:

9.10: Separability

9.10: Separability:

If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

CHAPTER 10

ENFORCEMENT AND PENALTIES

SECTION:

10.10: Enforcement

10.20: Penalties

10.30: Interpretation

10:10: Enforcement:

The Zoning Administrator shall enforce this ordinance through the proper legal channels.

10.20: Penalties:

Any person who violates or fails to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor.

10.30: Interpretation:

Each day that the violation is permitted to exist shall constitute a separate offense.

AN ORDINANCE AMENDING AND REPLACING THE EXISTING SUBDIVISION
ORDINANCE FOR THE CITY OF RUSHFORD

THE CITY OF RUSHFORD ORDAINS:

SECTION 1: Adoption of Ordinance

The city of Rushford hereby adopts the attached subdivision ordinance, numbered _____ as the subdivision ordinance for the city of Rushford.

SECTION 2: Repeal of Conflicting Ordinances

That certain ordinance titled "Subdivision Ordinance of the City of Rushford" that was adopted by the city of Rushford on October 31, 1977 is hereby repealed. Also, all other ordinances or parts of any ordinances enacted before this date that are inconsistent with any part of this ordinance are hereby repealed with the extent that they conflict with this ordinance only.

SECTION 3: Effective Date

This ordinance shall be effective upon its adoption by the city council.

By the Rushford City Council this 11th day of Aug, 1997.

V. Bunke
Vernon Bunke, Mayor

Kathy Zacher
Kathy Zacher, City Clerk

EXHIBIT A

**PRELIMINARY PLAT
CASH FEE**

The greater of Option A or B

Option A. Filing Fee - \$100.00 plus \$10.00 per lot

Option B. Filing Fee - \$50.00 plus \$20 per acre

Additional Final Plat other than first - additional fee: \$25