

**Part 4            Subdivision Platting Regulations**

AN ORDINANCE ESTABLISHING COMPREHENSIVE PLATTING REGULATIONS FOR THE LAYING OUT OF STREETS, ALLEYS AND OTHER PUBLIC GROUNDS AND THE SUBDIVISION OF LAND ESTABLISHING THE REQUIREMENTS FOR THE APPROVAL OF SUBDIVISION PLATS WITHIN THE CORPORATE LIMITS OF CARLTON, MINNESOTA, AND WITHIN THE UNINCORPORATED AREA TWO MILES FROM THE CORPORATE LIMITS, IN PURSUANCE OF THE AUTHORITY GRANTED BY STATE LAW.

WHEREAS, The City of Carlton, Minnesota has entered into a comprehensive planning and zoning program under provisions of Chapter 670, Laws of 1965, and

WHEREAS, the following regulations have been recommended by the Carlton Planning Commission after a public hearing for the purpose stated below.

NOW, THEREFORE, BE IT RESOLVED, that the following regulations be adopted:

**904.01 GENERAL PROVISIONS**

Subd.1.        Short Title. This resolution shall be known as the “Subdivision Platting Regulations of Carlton, Minnesota”.

Subd.2.        Purpose. Each new subdivision becomes a permanent unit in basic physical structure of the City, a unit to which the future community will of necessity be forced to adhere. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate public services, and safe streets, all subdivisions hereafter platted within the City shall fully comply with the regulations hereinafter set forth in this ordinance.

Subd.3.        Interpretation. In the interpretation and application, the provisions of this ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

Subd.4.        Scope. This ordinance shall apply and be binding upon all of the area within the corporate limits of Carlton, Minnesota, and within the unincorporated area two miles from the corporate limits of Carlton, Minnesota except if another city lies within 2 mi. of Carlton, the scope shall be 1/2 the distance between the two. Except in the case of re-subdivision, this ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds prior to the effective date of this ordinance, nor is it intended by this ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with, this ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land. Where this ordinance imposes a greater restriction upon the land than in imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

Subd.5. Repeal of Existing Ordinances. All ordinances or parts of ordinances of the City in conflict with the provisions of this ordinance are hereby repealed.

**904.02**

**DEFINITIONS**

Unless the context indicates a different meaning, for the purpose of this ordinance certain words, phrases and terms shall be construed as follows:

Subd 1. PERSON: Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

Subd.2. SUBDIVISION OF LAND AND SUBDIVIDE: The division of a tract of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that the following shall not be deemed a subdivision:

- A. The division of a tract of land into lots or parcels of five (5) acres or more with a minimum width of 165 feet and not involving a new street.
- B. One (1) division of a tract of land into two (2) lots or parcels in any twelve month period of time provided that the resulting descriptions are approved by the Auditor.
- C. Transfer of interests in land by will or pursuant to court order.

Subd.3. SUBDIVIDER: The owner, agent, or person having control of such land as the term is used in this ordinance.

Subd.4. COMMISSION: The Planning Commission of Carlton, Minnesota.

Subd.5. CITY: Carlton, Minnesota.

Subd.6. CITY COUNCIL: The City Council of Carlton, Minnesota.

Subd.7. OFFICIAL PLAN OR CITY PLAN: The Plan or plans for the orderly growth of Carlton as adopted and amended from time to time by the Planning Commission and the City Council.

Subd.8. STREET: A public way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or however otherwise designated.

Subd.9. THOROUGH-FARE: A street of considerable length that carries, or that planning evidence indicates will carry, a large volume of traffic.

Subd.10. COLLECTOR STREET OR ROAD: A street of relatively short length that serves as a connection between a thoroughfare and several minor streets. The term includes the principal entrance streets of a residential development and streets for major circulation within such a development.

- Subd.11. MINOR STREET: A street of relatively short length that provides direct access to a limited number of abutting properties.
- Subd.12. CUL-DE-SAC: A permanent street terminating at one end without connecting with another street and designed so that it cannot be further extended without condemnation or taking property not dedicated as a street.
- Subd.13. MARGINAL ACCESS STREET: A street or service road parallel to and adjacent to a thoroughfare which provides access from the thoroughfare to abutting properties.
- Subd.14. ALLEY: A public way used primarily as a service access to the rear or side of a property which abuts on a street.
- Subd.15. PRIVATE STREET OR RESERVE STRIP: A purported street, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.
- Subd.16. BLOCK: The distance as measured along a street between intersecting streets from center line to center line; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.
- Subd.17. PUBLIC WALKWAY: A public way designed for the use of pedestrian traffic.
- Subd.18. LOT: Any tract, including out lots, within a subdivision marked by the subdivider as a numbered tract.
- Sub.19. LOT WIDTH: The dimension of a lot measured on the building set back line.
- Subd.20. SET BACK: The building set back line or distance as measured from the nearest street, road or water shoreline.
- Subd.21. DRAINAGE COURSE: A water course or indenture for the drainage of surface waters.
- Subd.22. SANITARY SEWER: A constructed conduit connected with a sewer system for the carrying of liquids and solids other than storm waters to a sanitary treatment plant.
- Subd.23. STORM SEWER: A constructed conduit for carrying surface or ground waters to a drainage course.
- Subd.24. PRELIMINARY PLAN: A drawing of a proposed subdivision or greater area prepared in the manner and containing the data, documents and information required by Article III of this resolution.
- Subd.25. FINAL PLAT: The drawing of a subdivision prepared in the manner and containing the data, documents, and information required by Article IV of this resolution.
- Subd.26. ATTORNEY: The City Attorney of Carlton, Minnesota, or his authorized representative.
- Subd.27. CLERK-TREASURER: The City Clerk-Treasurer of Carlton, Minnesota, or his authorized representative.



- F. The action taken by the Commission shall be recorded in the proceedings of the Commission and transmitted to the applicant within ten days.

Subd.2. DATA REQUIRED FOR PRELIMINARY PLAN.

- A. Scale: 1 inch equals 100 feet
- B. Identification and Description:
  - 1. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the City. Short names are preferable.
  - 2. A full legal description of the existing property documented by all current land title records.
  - 3. Names and addresses of the owner, subdivider, surveyor and designer of the plan.
  - 4. Graphic scale.
  - 5. North-Point.
- C. Existing conditions in the tract and in a reasonable area surrounding the tract.
  - 1. Property lines.
  - 2. Districts proposed for non-residential use.
  - 3. Total acreage of proposed plat.
  - 4. Platted streets, railroad right-of-way and utility easements.
  - 5. Permanent buildings or other structures.
  - 6. Location of existing sewers, water mains, culverts and other underground facilities.
  - 7. Identify Wetlands from Certified Wetland Delineator
- D. Topography of platted area, showing lakes, water courses, swamp areas, and contours at vertical intervals of not more than two feet unless steep terrain enables five foot contours to adequately portray the land form conditions. Contour lines shall be shown by means of dashed lines on the preliminary plan and where practical shall be numbered to acceptable Federal government datum.
- E. Wood areas in outline only.
- F. Other reasonable information, such as soil tests, if requested by the Engineer in order to make a proper review of the site.

- G. Subdivision Design Features:
1. Layout of proposed streets, showing right-of-way widths and names of streets.
  2. Location and widths of proposed pedestrian ways and utility easements.
  3. Layout, numbers and minimum dimensions of lots.
  4. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
  5. Minimum front and side-street building set back lines indicating dimensions.
- H. Stage Development: Whenever a portion of a tract is proposed for platting and is intended or of a size for future enlargements of such platted portion, from time to time, a tentative plan for the future subdivision of the entire tract shall be submitted.

**904.04**

**FINAL PLAT**

Subd.1. Procedure for Final Plat. After the approval and endorsement of a preliminary plan, the following procedure shall be followed:

- A. Unless an extension of time is requested by the subdivider and granted by the Commission, the subdivider shall within one year following approval of the preliminary plan, submit to the Clerk-Treasurer:

One (1) electronic and three (3) mylar prints of the Final Plat, together with an up-to-date Abstract of Title or a Certificate of Title together with a registered Property Certificate. The Final Plat shall be of uniform size 22" in width and 34' in length and shall conform to Minnesota Platting Regulations, Chapter 505, Section 505-08. This Final Plat shall incorporate all changes required by the Commission. Otherwise, it shall conform to the preliminary plan. The Final Plat may constitute only that portion of the preliminary plan which the subdivider proposes to record and develop at the time. The boundary of the land so platted shall be indicated by a heavy, solid, black line. If the Final Plat is not submitted within one year, the approval of the preliminary plan shall be considered void.

- B. An inspection fee as per the fee schedule. This fee will be used to help defray the expenses of the City in connection with the review of the Final Plat and the inspection of improvements.

- C. The Clerk-Treasurer shall refer one paper print of the Final Plat to the Engineer, one to the Planning Commission, and one to the Attorney, together with an up-to-date Abstract of Title or a Certificate of Title together with a Registered Property Certificate and Opinion of Title by the applicant's attorney.
- D. A report of the Engineer, the Planning Commission, and the Attorney shall be submitted to the City Council within thirty days after the submission of the Final Plat. The Engineer shall state whether the Final Plat and the proposed improvements conform to the Engineering Standards and specifications established by state law and this ordinance. The Planning Commission shall state whether the Final Plat conforms to the preliminary plan approved by the Commission. The Attorney shall state whether the fee simple title to the platted property is in the names of the platters.
- E. The Council shall act on the Final Plat within sixty (60) days of the date on which it was submitted to the Clerk-Treasurer. It shall not approve a Final Plat unless it:
  - 1. Conforms to a preliminary plan approved by the Commission.
  - 2. Meets the design standards and engineering specifications set forth in this ordinance.
  - 3. Conforms to all Plans as adopted by the Commission and the Council.
  - 4. Meets all requirements and laws of the State of Minnesota.
- F. When the Final Plat is approved by the Council and certified by the Clerk-Treasurer, the subdivider shall record it with the Register of Deeds.

Subd.2. Date Required for Final Plat.

- A. If applicable, supplementary engineering data may be required on the following:
  - 1. Water supply
  - 2. Sewage disposal
  - 3. Drainage
  - 4. Flood control
  - 5. Soil and percolation tests
- B. Data required under regulation of state laws including accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use, and other legal requirements.
- C. An identification system for all lots and blocks.

- D. The dimensions of all lots and building set back lines.
- E. A diagram, drawn to suitable scale, showing that part of the section subdivision necessary to properly determine the boundaries of the platted area. The diagram shall show all survey corners found or restored and used in making said subdivision. All U.S. Government survey corners shown on the Final Plat shall be recorded in the office of the Register of Deeds.
- F. Complete curve data, including radii, central angles, tangent bearings, and lengths of all arcs.
- G. Accurate location of all monuments.
- H. Certification by a licensed 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 topographic details are correct.
- I. Notarized certification by owner, and by any mortgage holder of record of the adoption of the plat and the dedication of streets and other public areas in the form approved by the Attorney.
- J. Form for endorsement:

**904.05**

**MINIMUM DESIGN STANDARDS**

Subd. 1. Application. The following land subdivision principles, standards and requirements will be applied by the Commission in evaluating plans for proposed subdivisions.

- A. The provisions outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.
- B. Where literal compliance with the standards herein specified is clearly impractical, the Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.

Subd. 2. Land Requirements

- A. Land shall be suited to the purpose for which it is to be subdivided. No preliminary plan shall be approved if, considering the best interests of the public, the site is not suitable for plat and development purposes of the kind proposed by reason of potential flooding, swamp conditions, or adverse earth or rock formation. Lots subject to flooding and lots deemed inhabitable because of adverse earth and rock formations shall not be approved by the Commission for residential occupancy, nor for such other uses as may increase danger to health, life or property or such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- B. Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan
- C. Proposed subdivisions shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- D. Proposed Land Uses shall conform to any City Zoning Ordinance in effect.

Subd.3 . Street System

- A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the City.
- B. Proposed streets shall further conform to such City, County and State road and highway plans as have been prepared, adopted and/or filed as prescribed by law.
- C. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision. Reserved strips and landlocked areas shall not be created.
- D. Minor streets shall be laid out to discourage their use by through traffic and where possible, thoroughfares shall be protected for use by through traffic by marginal access streets, through lots or other means.
- E. Half or partial streets of less than 66 ft. width will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- F. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
- G. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sac streets.
- H. Private streets and reserve strips shall be prohibited.

Subd. 4. Cul-De-Sac Streets.

- A. Cul-de-sac streets, permanently designed as such, shall not exceed 500 feet in length, except as variances are permitted by the Commission, upon petition presented by the subdivider, which petition may be granted if it can be clearly shown that by reason of unfavorable contours, or the irregular shape of the plat from which the subdivision is being made, that a normal street pattern cannot be established, or that land would be wasted by not granting such a variance.
- B. Cul-de-sac streets shall be provided at the closed end with a turn-around having a minimum radius to the outside edge of the finished street or curb line of not less than fifty (50) feet.
- C. Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary cul-de-sac turn-around.

Subd. 5. Street Design.

- A. Widths: Minimum widths for each type of public street or road shall be as follows:

<u>Type of Street</u>	<u>Right-of-way Width</u>
Major Thoroughfare	150 ft.
Secondary Thoroughfare	100 ft.
Collector Street or Road	80 ft.
Minor Street	66 ft.
Marginal Access Street or Cul-de-sac	66 ft.
Alley	20 ft.

- B. Where a subdivision abuts or contains an existing street or road of inadequate Width, sufficient additional width shall be required to meet the above standards.
- C. Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

Subd. 6. Street Grades. Shall not exceed six (6) percent on thoroughfares, eight (8) percent on collector streets or ten (10) percent on other streets. Street profiles shall be required if grades exceed eight (8) percent.

Subd 7. Restriction of Access. When a subdivision or portion thereof adjoins a thoroughfare, no lot shall have direct access thereto. Said lots shall be provided with frontage on a marginal access street or street other than a thoroughfare with adequate depth for screen planting of the portion of any such lot contiguous with said major thoroughfare.

- Subd. 8. Horizontal Curves. Where a deflection angle of more than five (5) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced, to-wit: on streets sixty-six (66) feet or more in width, the center line radius of a curvature shall be not less than three hundred (300) feet.
- Subd. 9. Vertical Curves. All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen times the algebraic difference in rates of grade for thoroughfares and one-half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred (100) feet horizontal, and one inch equals twenty (20) feet vertical, may be required by the Engineer if topographic conditions warrant. A 300 foot minimum sight distance shall be provided.
- Subd. 10. Intersections. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than seventy (70) degrees.
- Subd. 11. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.
- Subd. 12. Street Names. A proposed street which is in alignment with and join an existing and named street shall bear the name of the existing street.
- Subd. 13. Alleys. Alleys shall be provided to the rear or side of all lots to be used for commercial or industrial use.
- Subd. 14. Blocks. Blocks shall meet the following standards:
- A. In residential areas, blocks shall not be less than six hundred (600) nor more than thirteen hundred twenty (1320) feet in length measured along the greatest dimension of the enclosed block area unless minor variations are necessitated by topography or conformance with adjoining plat.
  - B. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.
  - C. In blocks over eight hundred (800) feet in length, the Commission may require one or more public walkways within an easement not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary at intervals not closer than four hundred (400) feet.
  - D. Blocks shall be wide enough to allow two tiers of lots with a minimum depth of one hundred ten (110) feet except adjoining a lake, stream, railroad or thoroughfare or where one tier of lots is necessary because of topographic conditions.
- Subd. 15. Arrangement of Lots.

- A. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a variation.
- B. Each lot must front upon a public street and said Public Street shall not be less than fifty (50) feet in width.
- C. Through lots or double-frontage lots shall be avoided when possible. Residential lots shall be separated from thoroughfares and railroad rights-of-way by a landscape buffer strip not less than twenty-five (25) feet in width.

Subd.16. Size of Lots. No lot shall have less area or width than is required by zoning ordinance regulations applying to the area in which it is located; unless provided for otherwise by zoning regulations, the provisions of paragraph 518 shall apply.

- A. The lowest level of a structure shall be at least 3' above the ordinary high water elevation.
- B. Lots designed for commercial or industrial purposes shall be adequate for off-the-street service, loading and parking facilities.

Subd. 17. Public Use and Service Areas. Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

- A. Public Open Spaces. Where a proposed highway, school, park, recreation area or public access to water frontage shown on an official City plan is located in whole or in part in the applicant's subdivision, the Council shall require as a condition of final approval that such space within the subdivision be dedicated or reserved. Such land shall not be developed for a period of one year from the date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purpose not conforming to the official plan. If it is not so acquired and no legal action is filed by such public agency within such period, said reservation shall be of no further effect and such lands then may be used for other purposes.
- B. Easements for Utilities. Except where alleys are provided for the purpose, utility easements not less than twenty (20) feet in width across lots or centered on rear or side lot lines shall be provided for use in erecting, constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, water mains, electrical lines and other public utilities reasonably required. Such easements shall be placed along rear lot lines wherever possible.
- C. Drainage Courses. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet to maintain or replace the natural water course.

Subd. 18. MINIMUM LOT STANDARDS, STREET AND SANITATION IMPROVEMENTS

	Private Water Supply	Community Water Supply	Community Water Supply and Public Sewage System
Lot Area	21,780 sq. ft. (one-half acre) or more if required as a result of soil percolation tests as provided in paragraph 605-03	14,520 sq. ft. (one-third acre) or more if required as a result of soil percolation tests as 605-03	8,800 sq. ft.
Lot Width	100 ft.	100 ft.	80 ft.
Set back (lake or stream shoreline)	50 ft. or 100 ft. if individual sewage disposal system is to be used	50 ft. or 100 ft. if individual sewage disposal system is to be used	50 ft.
Set back (minor street)	35 ft. from ROW line	35 ft. from ROW line	25 ft. from ROW line
Set back (major thoroughfare)	110 ft. from centerline	110 ft. from centerline	110 ft. from centerline
Set back (secondary thoroughfare)	85 ft. from centerline	85 ft. from centerline	85 ft. from centerline
Street Driving Surface Width	26 ft.	26 ft.	26 ft.
Street Pavement	12" Class 5 Aggregate Base	12" Class 5 Aggregate Base	See paragraphs 603-01 and 604-01
Sanitation	Community or Individual disposal system	Community or Individual disposal system	Community System
Erosion Protection within Construction Limits	Sod or seed	Sod or seed	Sod or seed

Note: All work and improvements of streets to be done in accordance with County Highway Department specifications and shall be subject to the recommendations, supervision and approval of the Engineer.

**904.06 IMPROVEMENTS**

Before the City Council shall approve a final plat of a subdivision, the subdivider shall provide at his own expense or shall give bond in an amount equal to the Engineer's estimate, or make other financial arrangements acceptable to the City Council to cover the cost of the following public improvements:

- Subd. 1. Survey Monuments. All subdivision boundary corners, block and lot corners, street intersection corners and points of tangency and curvature monuments of at least 5/8" diameter. All U.S., state, county and other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position.
- Subd. 2. Grading. All street grading between the property lines shall be completed to the lines and grades as shown on the grading plans, but in no case less than forty (40) feet in width. Blocks and lots shall be graded to secure proper drainage and to prevent the collection of storm water in pools. The Engineer may require the redistribution of top soil and the stabilization of the same by seeding or planting wherever this shall be necessary as an element of drainage control.
- Subd. 3. Surface Water Drainage. Surface water drainage shall be provided by storm sewers or drainage course adequate to drain surface water from the subdivision and protect roadway pavements.
- A. Curbs and Gutters. Within subdivisions served by community water supply and public sewage system, a suitable curb and gutter shall be constructed along the outside lines of all street pavements. The type of curb and gutter shall be subject to the approval of the Engineer.
- Subd. 4. Minimum Pavement Width and Roadway Surfacing. Shall meet the standards set forth in paragraph 518 and shall be approved after inspection by the Engineer.
- A. Within subdivisions served by community water supply and public sewage system, all streets shall be improved with a durable hard surface. The pavement shall be equal to or superior to a pavement consisting of a base course of thoroughly compacted Class 5 Aggregate not less than twelve inches thick, with a bituminous surface not less than three inches thick. Seal coating and final coating shall meet the City specifications. The surfacing shall be such that it will safely support a nine ton axel load.
- Subd. 5. Sanitation. When located within the service area of a public sanitary sewerage system, sanitary sewers shall be constructed throughout the entire subdivision in such manner as to serve adequately all lots with connection to such public system.
- A. Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewerage be permitted in storm water sewers.
- B. Where lots cannot be connected with a public sewerage system, provisions must be made for sanitary sewerage facilities, consisting of a central treatment plant or individual disposal devices for each lot. This does not mean that the subdivider must provide such devices.
- C. Any subdivision or lot not provided with off-site water and off-site sewer facilities shall be subject to soil and percolation tests being made to determine whether or not the lot size proposed will meet minimum standards of health and sanitation. Such tests shall be made at the expense of the subdivider.
- D. All proposed sewage disposal systems shall comply with the regulations of the Minnesota Department of Health.

Subd. 6. Water Supply. Water supply for all areas shall be designed to meet the regulations of the Minnesota Department of Health.

A. When the subdivision is located within the service area of a public water supply system, water mains not less than 6 inches in diameter shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to such public system together with shut-off valves and fire hydrants.

B. Fire hydrants shall be installed throughout the entire system at intervals of not more than six hundred (600) feet if within the service area of a public water supply system.

Subd. 7. Sidewalks. Concrete sidewalks at least five feet wide and four inches thick shall be constructed on both sides of each street; provided, however, that the Planning Commission may recommend to the Council waiver or reduction of this requirement if it is established that the reasonably anticipated growth of the area and the probable nature of its development, its distance from concentrated development and developments creating pedestrian travel, and the estimated volume of vehicular travel on the streets make such sidewalks unnecessary for the protection of the public safety and welfare.

Subd. 8. Street Signs. A four-way metal street sign shall be installed at each street intersection. Street signs shall meet the City specifications.

**904.07 VARIATIONS FROM REQUIREMENTS**

Subd. 1. The Planning Commission may recommend a variation to the City Council 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.

Subd. 2. The standards and requirements of these regulations may be modified by the City Council in the case of plans which, in the judgment of the Commission, achieve substantially the objectives of this resolution and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Subd. 3. Policy. In recommending any variation, the Commission shall take into account the following:

A. The location of the proposed subdivision, proposed land use, and 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 and at the same time preserve the general intent and spirit of this ordinance and protect the public welfare and interests of the City.

- D. In granting variances and modifications, the Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Subd. 4. Procedure for Variation. Application for any variation shall be submitted in writing by the subdivider at the time the preliminary plan is filed and shall state fully the grounds for the application and the fact relied upon by the petitioner. The Commission shall consider such application at the meeting on the preliminary plan and give its written recommendations thereon, with the reasons therefor, at the time of its approval or disapproval of said plan. If the Commission refuses to recommend a variation, the subdivider may at once, without preparing a Final Plat, petition the City Council for a review of the decision of application for variation and render final judgment.

**904.08** SEPARABILITY

If any section, subsection, sentence, clause, phrase or 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.

**904.09** PENALTY

Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor. Each day that a violation of this ordinance continues shall constitute a separate and distinct offense and may be punishable as such.

**904.10** AMENDMENTS

Amendments may be made to this ordinance by the City Council after recommendations of the Commission following the holding of a public hearing with notice given in the official newspaper of the City at least ten (10) days in advance of the hearing.