

CITY OF GARFIELD

SUBDIVISION CONTROLS ORDINANCE

AUGUST 2013

CITY OF GARFIELD SUBDIVISION ORDINANCE

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ORDINANCE NO. 100

**AN ORDINANCE REGULATING THE SUBDIVISION OF LANDS WITHIN THE CITY OF GARFIELD,
MINNESOTA**

THE CITY COUNCIL OF THE CITY OF GARFIELD, MINNESOTA DOES ORDAIN:

SECTION 1. GENERAL PROVISIONS

1.1 Title. These regulations shall officially be known, cited, and referred to as the Subdivision Controls Ordinance of City of Garfield, Minnesota (hereinafter “regulations” or “ordinance”).

1.2 Purposes. These regulations are adopted for the following purposes:

1. To guide the future growth and development of City of Garfield in recognition of the general policies embodied in any City of Garfield Comprehensive Plan and protect and provide for the public health, safety, and general welfare of the City.
2. To ensure that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until adequate public services and facilities exist with sufficient capacity to serve the proposed subdivision.
3. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
4. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, including the proper location and width of streets and building lines, and to ensure proper legal descriptions and monumenting of subdivided land.
5. To ensure that proper provision has been made for drainage, water, sewage, and public improvements such as parks, recreational facilities, transportation facilities, and improvements. The community will be required to bear no more than its fair share of the cost of providing facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
6. To prevent the pollution of air and water resources including ground water and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.
7. To provide for open spaces through the most efficient design and layout of the land.
8. To remedy problems associated with inappropriately subdivided lands.

1.3 Statutory Authorization. This ordinance is adopted pursuant to the authority contained in Chapters 412, 429, 462, 471, 505, 515, 515A, and 515B of the Minnesota Statutes. It is not the

intent of this chapter to replace or conflict with existing county or state laws, rules or regulations.

1.4 Jurisdiction. The regulations herein governing the subdivision and platting of land shall apply within the corporate limits of the City of Garfield.

1.5 Application.

1. **General.** Any subdivision of land located in City of Garfield that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions in this Ordinance, unless otherwise provided herein.
2. **Exceptions.** These regulations shall not apply to the following (other City ordinances and state laws may apply):
 - a. Subdivisions where all resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses;
 - b. Subdivisions where all resulting parcels, tracts, lots, or interests will be five (5) acres or larger in size for commercial and industrial uses;
 - c. Subdivisions creating or rearranging of lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this Subdivision Ordinance);
 - d. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements;
 - e. Subdivisions resulting from court orders; or
 - f. the adjustment of a lot line by the relocation of a common boundary.
 - g. A parcel which was the subject of a written agreement to convey (such as a purchase agreement), entered into prior to the effective date of this Ordinance and which was in compliance with all previous City of Garfield subdivision regulations at the time.
3. **Restrictions on Conveyance of Land.** No conveyance of land to which these regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after the adoption of city subdivision regulations (February 11, 1985). The foregoing provision does not apply to a conveyance if the land described:
 - a. Is a separate parcel of record on the date of adoption of city subdivision regulations under state statutes (February 11, 1985); or
 - b. Was the subject of a written agreement to convey entered into prior to February 11, 1985; or
 - c. Was a separate parcel of not less than five acres in area and having a width of not less than 300 feet on July 1, 1980; or
 - d. Was a separate parcel of not less than 2½ acres in area and 150 feet in width on January 1, 1966; or

- e. Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width; or
- f. Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the City Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the City a penalty of not less than \$100 for each lot or parcel so conveyed.

The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

- 4. **Land Use Permits.** After the effective date of these regulations, no land use or other permit required by the City's zoning ordinance shall be issued for the erection of or addition to any structure upon newly subdivided lands unless such lands have been subdivided in conformity with the provisions of these subdivision regulations.

1.6 Enactment. In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of the effective date of these regulations. All applications for subdivision approval submitted after the effective date of these regulations shall be reviewed under these regulations. These regulations will not apply if an application for subdivision has been submitted to the City of Garfield and accepted as complete or if preliminary plat approval has already been obtained from the City of Garfield prior to the effective date of these regulations, subject to the subdivision regulations in effect at the time. Where preliminary plats have been approved by the City of Garfield prior to the effective date and have not expired, approval of the final plat shall be subject to the subdivision regulations in effect at the time.

1.7 Interpretation, Conflict, and Separability.

- 1. **Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the City to promote the purposes for which they are adopted.
- 2. **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

3. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.
4. **Separability.** If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City of Garfield City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

1.8 Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.

1.9 Reservation and Repeals. Upon the adoption of these regulations according to law, any and all previous City of Garfield Subdivision Ordinances that may exist are hereby repealed, except as to those sections expressly retained in these regulations.

1.10 Variances.

1. **Findings.** The City Council shall have the exclusive power to order the granting of variances from the terms of this Ordinance when, in its opinion, an unusual hardship on the land exists. In approving any variance, the city council shall prescribe any conditions that it deems necessary to or desirable to the public interest. In making its approval, the city council may take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons reasonably expected to reside or work in the proposed subdivision and the probably effect of the proposed subdivision upon traffic conditions and the protection of the natural environment in the vicinity. A variance shall only be approved when the City Council makes all of the following findings:
 - a. The granting of the variance will serve to further an established goal or policy of the city at least as much as if the subdivision met the requirements of the ordinance;
 - b. The granting of the variance will provide an equal or greater degree of protection of the public health, safety and welfare and to other property in the territory in which the property is situated than if the subdivision met the requirements of this ordinance;
 - c. That the granting of the variance will not significantly increase the flood hazard or flood damage potential;

- d. That the granting of the variance is to provide relief from an unusual or unique physical hardship related to the land and is not solely for the economic benefit of the applicant or to correct a condition created by the applicant or a previous landowner after February 11, 1985;
2. **Conditions.** The City Council may impose conditions in granting a variance to ensure compliance and to protect adjacent properties and the public interest.
3. **Procedure.** Any proposed variance shall be presented to the City Council for its determination. Unless requested otherwise by the applicant or determined by the Zoning Administrator, variance applications may be submitted concurrently with the subdivision request. The following procedure shall be used in reviewing variance requests:
 - a. Request for variances, as provided within this section, shall be filed with the city on an official application form. Such application shall be accompanied by a fee as provided for by city council ordinance. Such application shall also be accompanied by a sufficient number of copies (paper or digital), as determined by the responsible city official, of detailed written and graphic materials fully explaining the proposed change, development, or use. If, in the opinion of the zoning administrator, reduced-scale drawings are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The request for variance shall be placed on the agenda of the planning commission meeting occurring after the date of submission of the application. The request shall be considered as being officially submitted when all the information requirements are complied with.
 - b. Proof of ownership or authorization: The applicant shall supply proof of title and the legal description of the property for which the variance is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded or equitable ownership interest and, if applicable, shall supply documented authorization from the owner of the property in question to proceed with the requested variance.
 - c. Upon receipt of said application, the city shall set a public hearing following proper hearing notification as applicable. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten days prior to the hearing. Written notification of said hearing shall be mailed to surrounding area property owners within 350 feet of the outside boundary of the property in question at least ten days prior to the hearing. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the record of the proceeding. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this section provided a bona fide attempt has been made to comply with the notice requirements of this section.
 - d. For properties within the shoreland overlay districts and/or the floodway or flood fringe overlay districts, the city shall submit to the state department of natural resources area hydrologist a copy of the application for proposed

variances sufficiently in advance so that the department will receive at least ten days' notice of the hearing.

- e. The zoning administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the planning commission.
- f. The planning commission, city council and/or zoning administrator shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.
- g. The applicant or a designated representative thereof shall appear before the planning commission and/or city council to answer questions concerning the proposed variance.
- h. Whenever an application for a variance has been considered and denied by the city council, a similar application and proposal for the variance affecting the same property shall not be considered again by the city council for at least one year from the date of its denial except as follows:
 - i. Applications are withdrawn prior to the city council taking action on the matter.
 - ii. If the city council determines that the circumstances surrounding a previous application have changed significantly.
 - iii. If the city council decides to reconsider the matter by a four-fifths vote of the entire city council, whether present, absent, or abstaining.

1.11 Appeals.

- 1. **Timeframe.** The applicant for subdivision approval may appeal the decisions made by the City staff by filing a Notice of Appeal with the City Council, no later than thirty (30) days after the time the administrative determination is made. The appeal stops all proceedings on the action appealed unless the City Council finds that the stay would cause imminent threat to life or property. The City Council may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may direct the action of City staff as deemed appropriate or necessary.
- 2. **Procedure.**
 - a. Appeals shall be filed with the Zoning Administrator. If the appeal is of a decision by the Zoning Administrator, the appeal shall be filed with the City Clerk.
 - b. The Zoning Administrator or Clerk shall refer the appeal to the City Council for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within 350 feet of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest

number of owners) shall be given notice of the date the City Council will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

- c. The applicant or a representative shall appear before the City Council and answer any questions concerning the appeal.
- d. A decision shall be made by the City Council within ninety (90) days after the public hearing. All decisions by the City Council in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons or any department, board or commission of the jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact with in thirty (30) days after the approval or denial of the variance.
- e. A certified copy of any order resulting from the Board's decision on an appeal shall be filed with the Douglas County Recorder or Registrar of Titles by the Zoning Administrator.

1.12 Amendments.

1. Application.

- a. This ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this section.
- b. Proceedings for amendment of this Ordinance shall be initiated by:
 - i. A petition of the owner or owners of property within the City's jurisdiction or property that is to be annexed into the City's jurisdiction;
 - ii. A recommendation of the City Planning Commission, if any; or
 - iii. By action of the City Council.
- c. Applications for amendment shall be filed with the Zoning Administrator and placed on the agenda of the City Council no later than 45 days from when the request or petition was received.
- d. The City Council may take action on a proposal to amend this ordinance at its next regularly scheduled meeting, or at a special meeting provided such meeting is properly noticed. Said action may include approval of the proposed amendment, approval of an amended version of the proposed amendments, or denial of the proposed amendments. If the City Council deems it necessary or desirable, it may request City Staff to provide additional research and study to the Council or schedule a public hearing to gather public input prior to taking final action on a proposed amendment.

1.13 Enforcement, Violations, and Penalties.

- 1. It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the City Council any violations of these regulations.
- 2. Any person who unlawfully violates any of the terms and provisions of this Ordinance shall be charged with a misdemeanor punishable by a fine of not more than one-

thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. All fines for violation shall be paid to the City and shall be credited to the general revenue fund. All prosecutions for violation of this Ordinance shall be conducted by the City Attorney.

3. In accordance with section 505.08 of the Minnesota Statutes, any person who shall dispose of or lease, any land included in a plat by reference to the plat before it is recorded, shall forfeit to the City \$100 for each lot, or part of a lot, so disposed of or leased and any official, land surveyor, or person whose duty it is to comply with any of the provisions of Chapter 505 of the Minnesota Statutes, shall forfeit not less than \$100 for each month during which compliance is delayed. All forfeitures under this section shall be recovered in an action brought in the name of the City.
4. In the event of a violation or a threatened violation of this Ordinance, the City Council, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Attorney to institute such actions.
5. Any taxpayer or taxpayers of the City may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

1.14 Fees and Reimbursement. The City Council may, by ordinance, establish reasonable fees for the administration of this ordinance.

The City may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the City for direct costs relating to professional services provided during the review, approval and inspection of the project. The City may charge the applicant an established rate when the work is conducted by City staff, or when services are provided by an outside consultant or professional, a rate equal to the rate charged by such consultant or professional.

Except for excess fees within an established escrow account, any fees collected need not be refunded for any reason including without limitation, rejection of the plat, subdivision or lot division by the City Council, or abandonment or withdrawal of the proposed plat, subdivision or lot division by the applicant. Any such refunds shall require the approval of the City Council. The City shall have no duty to process or act on any plat, subdivision or lot division unless and until the applicable fee has been paid to the City. No application shall be complete until all information and documents required by this Subsection have been filed with the City.

1.15 Adoption of Plat Manuals by Reference. The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance.

SECTION 2. DEFINITIONS

2.1 Usage.

1. For the purposes of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this Section.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.
3. The word "shall" is mandatory and the word "may" is permissive.

2.2 Words and Terms Defined.

Access. The way in which a lot is entered or approached from a public right-of-way.

Adequate Public Facilities. Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City Council based upon specific levels of service.

Alley. A public right-of-way, less than twenty-four (24) feet in width, which provides secondary access to the abutting lot.

Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Applicant. The owner of land proposed to be subdivided or an agent who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the property.

Arterial system. The network of roadways comprised of principle and minor arterials.

Block. An area of land within a standard subdivision, consisting of one or more lots, which is bounded by rights-of-way, another subdivision, a river or lake or combination thereof.

Bond. Any form of a surety bond in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council whenever a bond is required by these regulations.

Buffer. A portion of a lot or outlot intended to create or provide physical separation between potentially incompatible land uses or sensitive natural resources

Buildable Area. The area of a lot which is sufficient to accommodate the construction of water supply systems, sewage treatment systems, buildings, driveways and other customary improvements to a lot, while still providing for adequate setbacks. Buildable area shall not include land below the ordinary high water level of a waterbody, wetlands, bluffs, non-buildable easements, minimum yard setbacks, buildable portions of land that are non-contiguous to each other, or when the City Council otherwise determines that an area is unsuitable for proposed or likely improvements. Buildable areas must include sufficient area for two standard sewer systems. An area shall not be considered in the calculation of buildable area if it is not at least fifty (50) feet in width and length.

Building. Any structure or appurtenance that is built for support, shelter, or enclosure of persons, animals, chattel, or property of any kind.

Certify. Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the City by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

City. City of Garfield, Minnesota.

City Attorney. The attorney of City of Garfield or other legal professional as determined by the City Council.

City Council. The governing body of the City of Garfield, Minnesota.

City Engineer. The City Engineer or any licensed Engineer otherwise designated by the City Council.

Cluster Development. A technique which allows lots to be reduced in size and buildings sited closer together provided the total development density does not exceed that which could be constructed on the site under conventional zoning and the remaining land is utilized for open space or public purposes.

Common Interest Community. Common Interest Community shall have the meaning given in Minnesota Statutes, section 515B.1 – 103; or successor statutes. The definitions for “condominium”, “cooperative”, “flexible common interest community”, “leasehold common interest community”, and “planned community” shall also apply as defined in the same statute.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which the same stockholder, partner, or associate, owns a majority interest in each corporation, firm, partnership, entity, or unincorporated association.

Complete Submittal. A written request and a completed application for subdivision approval as established in this Ordinance and determined by the Zoning Administrator.

Comprehensive Plan or Comprehensive Municipal Plan. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City and its environs, as defined in Chapter 462 of the Minnesota Statutes, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Condominium. A common interest community in which (i) portions of the real estate are designated as units, (ii) the remainder of the real estate is designated for common ownership solely by the owners of the units, and (iii) undivided interests in the common elements are vested in the unit owners.

Construction Plans. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City as a condition of the approval of the plat.

Contiguous. The following rules shall apply when determining contiguous parcels or lots.

- a. Parcels or lots are geometrically touching at any one point
- b. Parcels or lots that were divided by a governmental action such as a new roadway that bisected the property but have remained in one ownership or have been transferred as one property.

- c. Parcels or lots under one ownership or have been transferred as one property but that cross political subdivision boundaries remain contiguous.

Cul-de-Sac Street. A local street with only one outlet that terminates in a circular shaped vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Design Standards. The specifications for the design of subdivisions and required improvements including items such as the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Developer. The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations. See Subdivider.

Developer's Agreement. A contract entered into by the applicant and the City Council on behalf of the City by which the applicant promises to complete the required public and private improvements within the subdivision within a specified time period following final subdivision plat approval.

Development Agreement. A contract between the City Council and developer that specifies the terms and conditions of approval of a planned unit development or other zoning matter.

Easement. Authorization by a property owner for another party to use the owner's property for a specified purpose. Private easements are authorizations between private parties and not available to the general public. Public easements are authorizations between a private landowner and the public.

Escrow. A deposit of cash with the City or escrow agent to secure the promise to perform some act.

Final Plat. A drawing or map of a subdivision, meeting all of the requirements of the City, County, and Minnesota state statutes regarding the platting of land, and in such form as required by the City or Douglas County for the purpose of recording.

Frontage. That side of a lot abutting on a street and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

Grade. The slope of a road, street, or other public way specified in percentage terms.

Health, Safety, or General Welfare. The purpose for which towns may adopt and enforce land use regulations for the prevention of harm or promotion of public benefit to the City.

Highway, Limited Access. A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over the traffic way.

Homeowners Association. See Property Owners Association.

Improvements. See Lot Improvement or Public Improvement.

Individual Sewage Treatment System (ISTS). An on-site sanitary sewage treatment system or any other approved sewage treatment device.

Increase in Land Use Intensity. A change in use resulting in more intensive use of the land, such as a change from agricultural to residential, from residential to multi-family, commercial, or industrial, or from commercial to industrial.

Landscaping. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

Licensed Engineer. An engineer properly licensed and registered in the State of Minnesota.

Licensed Land Surveyor. A land surveyor properly licensed and registered in the State of Minnesota.

Local Road. A street, as designated in the Comprehensive Plan, whose function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sanitary sewer, water, and storm sewer lines, street trees, sidewalks and trails and other public purposes as approved by the City Council.

Lot. A portion of an approved subdivision intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 120 degrees nor less than 60 degrees.

Lot Improvement. Any building, structure, work of art, or other object situated on a lot constituting a physical betterment or improvement of the property including grading.

Lot Line. The dividing line between two platted lots or as further established by the City of Garfield Zoning Ordinance.

Lot Width. The shortest horizontal distance between the side lot lines of a lot measured at any point between the front lot line and the rear lot line. For the purposes of meeting minimum lot width requirements throughout this ordinance, lot width shall be measured in a straight line rather than along a road or right-of-way. For riparian lots, the lot width shall also be the horizontal distance measured between lot corners at the ordinary high water level and at the minimum building setback line from the water body.

Standard Subdivision. See Subdivision, Standard.

Major/Urban Collectors. Roadways, as designated in the City comprehensive plan that serve shorter trips that occur and provide access from neighborhoods to the arterial system. They supplement the arterial system by emphasizing mobility over land access. Consequently, because of their location, they are lower-volume roads than arterial routes.

Metes and Bounds. A series of lines around a perimeter of an area known as a metes and bounds description: "metes" means bearings and distances and "bounds" means and refers to monuments, both physical and legal.

Minor Arterial. A roadway that supplements principal arterials, as designated in the City of Garfield Comprehensive Plan. Minor arterials connect urban service areas with towns inside and outside the region. They also connect major traffic generators and regional business concentrations. They should serve medium-length and short trips and emphasize mobility over land access.

Minor Collector. A roadway that provides supplementary interconnection among rural centers. Their emphasis is on land access. Consequently, because of their location, they are lower-volume roads than arterial routes.

Minor Subdivision. See Subdivision, Minor.

New Development. A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the City's subdivision regulations, the issuance of a land use permit, or connection to a sanitary sewer system.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial uses.

Ordinance. Any legislative action, however denominated, of the City which has the force of law, including any amendment or repeal of any ordinance.

Outlot. A lot within a plat that is not otherwise designated by lot and block. Outlots may be intended for further subdivision in the future, for permanent open space, for stormwater management, sewage treatment, water supply or other facilities, or for other purposes approved by the City during a standard subdivision process.

Owner. The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the definition of Common Ownership.

Parcel. Any property existing as of the effective date of this Ordinance and recorded with the Douglas County Recorder's Office and any lot, site, unit or tract created pursuant to the provisions of this Ordinance subsequent to its effective date.

Pedestrian Way. A facility designed for pedestrian travel located within a public right-of-way or public easement across a lot or parcel intended to provide public access for pedestrians.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Person. Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

Planned Unit Development (PUD). A type of development characterized by a unified site design for a number of residential and/or commercial dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and the provision of common open space. These developments may be organized and operated in a variety of ways, including as cluster subdivisions, conservation subdivisions, condominiums, time share condominiums, cooperatives, full fee ownership, any similar form of organization or ownership, or any combination of these. They also include the conversion of existing structures and land uses to these types of ownership structures and land use designs.

Planning Commission. The City of Garfield Planning Commission.

Plat. The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 505; or successor statutes, and containing all elements and requirements set forth in all official controls adopted to Minnesota Statutes, Chapters 462 and 505; or successor statutes.

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

Plat, Preliminary. The preliminary drawing or map, prepared by a Licensed Land Surveyor and as described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission and City Council for its consideration.

Principal Arterial. A roadway, as designated in the City of Garfield Comprehensive Plan, intended to connect regional population centers and other principal and minor arterial routes. They carry the longest trips in the region and emphasize mobility rather than land access. Principal arterials are generally constructed as limited access freeways in a developed area, but may also be constructed as multi-lane divided highways.

Private Covenants. Contracts entered into between private parties and constituting a restriction on the use of private property within a subdivision for the benefit of the property owners to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Private Street. A privately owned and maintained street.

Property Line. The dividing line between two parcels.

Property Owners Association. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision be it a lot, parcel site, unit plot, condominium, or any other interest is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City or other governmental entity may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which City or other governmental entity responsibility is established. Public improvements do not include the sanitary sewer service line that extend from the structure to the sanitary sewer main, driveways and approaches, or service lines for electric, natural gas or telecommunication utilities.

Public Capital Improvements Program. An itemized program for typically a five-year prospective period that sets the schedule, timing and details of specific capital improvements by year together with an estimated cost, the need for each improvement, and potential financial resources for the project.

Rectangular Parcel, Lot or Tract. A system that divides land into square tracts using simple divisions of the Public Land Survey System (PLSS). The location of the land is described in such terms such as "Government 40;" "quarter-quarter section;" N2, SE4 (north half of the southeast quarter), or; N1/2, SE1/4 (north one-half of the southeast one-quarter).

Registered (Torrens) Land Survey. Registered Land Surveys are surveys performed for the identification of registered (Torrens) lands in accordance with the requirements of Minnesota Statutes, Chapter 508; or successor statutes. Registered Land Surveys are not plats, are not signed by landowners and may not dedicate public rights.

Resubdivision. Any change in a recorded standard subdivision plat that affects any street rights-of-way layout in the subdivision or area reserved thereon for public use or exceeds the number of lots allowed in a minor subdivision.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established as determined by the City Council. The term “right-of-way” as used herein shall not include or relate to utility easements or to drainage easements.

Road Classification. For the purpose of providing for the development of the streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated in the City Comprehensive Plan and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified in the City Comprehensive Plan.

Road, Dead-End. A road or a portion of a road with only one (1) vehicular-traffic outlet.

Road Right-of-Way Width. The distance between right-of-way or roadway easement lines measured at right angles to the center line of the street.

Rough Grading Plans. The maps or drawings accompanying a subdivision plat that shall be of adequate scale to show all the site information required by this ordinance and/or otherwise necessary to make an accurate assessment of road gradients, drainage patterns, and erosion and storm water control measures before, during and after preparation and/or grading of the site on one sheet. This plan needs to include the existing and proposed contours, areas of cut and fills, the site drainage pattern and inlet/outlet structures.

Sale. Any immediate or future transfer of ownership, or any possessor interest in land, including contract of sale, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof.

Screening. Approved materials such as walls, berms, fences, or plantings which are used to conceal one element of a development from other elements or from adjacent or contiguous development.

Security. The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.

Setback. The distance between a structure and the property line, roadway center line, or other lot boundary or natural resource feature.

Sketch Plat. A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the City as to the form of the plat and the objectives of these regulations.

Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial, parkway, throughway, road, avenue, lane, place or however otherwise designated.

Street, Half. A public right-of-way that is fifty (50) percent or less of required right-of-way width.

Street Width. The shortest distance between the lines delineating the street measured from curb to curb or shoulder to shoulder.

Structure. Any building or appurtenance, including decks, except fences and except aerial or underground utility lines, such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivide. The act or process of creating a subdivision.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, or develops, or offers to sell, or develop, or advertises to sell, or develop, any interest, lot, parcel, site, unit, or subdivision, or, who (3) engages directly or through an agent in the business of selling, developing, or offering for sale, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision. The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof.

Subdivision, Standard. All subdivisions not classified as exceptions to the subdivision ordinance or an administrative subdivision.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Tree. Any of the following types of trees, as each is defined herein:

- a. Coniferous/Evergreen Tree. A woody plant which, at maturity, is at least 12 feet or more in height, having foliage on the outermost portion of the branches year round.
- b. Deciduous Tree. A woody plant which, at maturity, is at least 15 feet or more in height, having a defined crown and which sheds leaves annually.
- c. Significant Tree. A healthy tree measuring a minimum of six inches in diameter for hardwood deciduous trees, as defined herein; or a minimum of 12 inches in diameter for softwood deciduous trees, as defined herein; or a minimum of 12 feet in height for coniferous/evergreen trees.
- d. Hardwood Deciduous Tree. Includes: Ironwood, Catalpa, Oak, Maple hard, Walnut, Ash, Hickory, Birch, Black Cherry, Hackberry, Locust and Basswood.
- e. Softwood Deciduous Tree. Includes: Cottonwood, Poplars/Aspen, Box Elder, Willow, Silver Maple and Elm.
- f. Speciman Tree. A healthy hardwood deciduous tree measuring equal to or greater than 30 inches diameter and/or a coniferous tree measuring 50 feet or greater in height.

Turnarounds. A local street with only one outlet that terminates in an “L” or “T” shape for vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Zoning Administrator. The City Council, or other duly appointed person responsible for the enforcement and administration of all or portions of this Chapter.

SECTION 3. REVIEW AND APPROVAL PROCEDURES

3.1 General Procedures.

1. **Subdivision Procedures.** Before any land is subdivided, applicants proposing to subdivide land shall apply for and secure approval of the proposed subdivision in accordance with the following procedures which establish different steps for the four different classifications of subdivision as defined in this ordinance and as identified below:
 - a. Administrative Subdivisions
 - b. Standard Plats
 - c. Registered (Torrens) Land Survey
 - d. Common Interest Communities
2. **Determination of Subdivision Classification.** The Zoning Administrator shall determine the type of subdivision classification a proposed project falls under according to this ordinance.
3. **Official Submission Dates.** For the purpose of these regulations, the Official Submission Date or starting date shall be the date in which a written request that includes a complete and accurate application, as determined by the Zoning Administrator, is received for a subdivision.
4. **Complete Submittal.** The Zoning Administrator will review subdivision applications within **fifteen (15) business days** of their submittal and determine if the application is complete. If the application is not complete and accurate, the Zoning Administrator will notify the applicant in writing of the necessary changes or additional information within the 15-day timeframe. If the application is complete, the formal review process will begin on the date the submittal was received by the Zoning Administrator.
5. **Coordination of PUD Zoning Applications.** It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Planned Unit Development (PUD) zoning applications under the Zoning Ordinance. The plans required for these types of zoning applications shall be submitted in a form to satisfy the requirements of the subdivision regulations.
 - a. **General Requirement.** Whenever the Zoning Ordinance authorizes PUD zoning applications and the application entails the division of the land, vacant or improved, into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, or development, whether residential or nonresidential, standard subdivision approval by the City Council shall be required in addition to all other procedures and approvals required in the Zoning Ordinance, whether or not applicable zoning procedures also require City Council approval.
 - b. **Procedure to Be Followed:**
 - i. **Preliminary Plat Approval Required.** Whenever a PUD zoning application is submitted which involves a subdivision of land as set forth in these regulations, a concurrent submittal of a preliminary plat application shall be submitted to the City. The application shall be made

on the forms required for a preliminary plat as set forth in this ordinance.

- ii. **Final Plat Approval Required.** A final plat of the PUD must be approved by the City Council. No construction or placement of structures or other improvements shall take place within a PUD project except as provided in this ordinance until the zoning application has been finally approved by the City Council and the final subdivision plat is recorded with the Douglas County Recorder's Office.

3.2 Pre-Application Meetings

1. **Purpose.** In order to familiarize the subdivider with these regulations and related laws and to avoid costly revisions of plans and plats before preparing the necessary documents and drawings for a subdivision application submittal, applicants are encouraged to meet with the Zoning Administrator at a pre-application meeting. The purpose of the meeting is to discuss the requirements in this ordinance and other applicable regulations and the procedures for approval of a subdivision with the applicants as early in the design process as possible.
2. **Sketch Plat.** While not required, it is strongly suggested that the subdivider request that a pre-application meeting be held including the subdivider, Zoning Administrator, and other relevant persons as determined by the Zoning Administrator. Discussion at this meeting shall be limited to general comments, application procedures, ordinance requirements and timing.
3. **Planning Commission Review.** At the subdivider's option, a review of a sketch plan will be made by the Planning Commission prior to a public hearing. Discussion at this meeting shall be limited to general comments, application procedures, ordinance requirements and timing.
 - a. The subdivider shall submit a sufficient number of copies of the sketch plan (as determined by the Zoning Administrator), 14 days prior to the normal Planning Commission meeting, and request a position on the formal agenda.
 - b. The Planning Commission shall not take action on the proposal, but may make suggestions to facilitate the preparation of an approvable preliminary plat or plan.

3.3 Environmental Review Procedures.

1. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
2. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the subdivision by the City.
3. **Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the City Council may require the applicant to pay a fee equal to the actual cost incurred by the City, including the cost of

City staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the City in the review process. The City Council shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

- 3.4 Registered (Torrens) Land Survey Procedures.** It is the intention of this Ordinance that all registered land surveys in the City shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the City Council shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded with Douglas County. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the City may refuse to improve, repair, or maintain any tracts to be used as streets or roads.

SECTION 4. SUBDIVISION PROCEDURES

4.1 Administrative Subdivisions

It is intended that administrative subdivisions generally be allowed for non-building purposes, for the further division of previously platted lots, the combination of previously platted lots (or portions of previously platted lots) into fewer lots, or for the adjustment of a lot line by relocation of a common boundary. In any of these cases, no residual tract shall become nonconforming with any applicable City Ordinance, except when granted by variance.

1. **Procedure.** An administrative subdivision shall be considered by the following procedure:

- a. **Review:** The zoning administrator shall review all applications for administrative subdivision to determine compliance with the standards identified in this section and all other pertinent requirements of this chapter or of other City ordinances. Upon written approval of the request, the developer shall be responsible for filing the subdivision survey with the county recorder's office. Should the request be denied, the zoning administrator shall notify the developer, in writing, of the findings of fact for such denial.
- b. **Required Findings:** In order for the zoning administrator to grant approval for a proposed administrative subdivision, each of the provisions shown below shall be met:
 - i. The proposed subdivision of land will not result in more than two lots;
 - ii. All necessary utility and drainage easements have been granted;
 - iii. All lots to be created by the subdivision conform to lot area and width requirements required under the zoning ordinance;
 - iv. All other requirements of the zoning ordinance have been met;
 - v. The proposed administrative subdivision is not inconsistent with any adopted comprehensive plan or other formal statements or expressions of city policy;
 - vi. Lots created have direct access onto a public street, or a private street if the lot is part of an approved PUD;
 - vii. The property has not been divided through the provisions of this section within the previous five years;
 - viii. The subdivision meets all design and dedication standards as specified elsewhere in this chapter;
 - ix. All basic improvements required by this chapter are installed in accordance with city standards;
 - x. The subdivision shall not result in buildings and/or uses becoming nonconforming.
- c. **Conditions:** The city and/or its assigns may impose such conditions on any proposed administrative subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this chapter.

2. **Application Requirements.** An application for an administrative subdivision shall be filed with the zoning administrator on an approved form and shall be accompanied by proof of ownership of the subject property, the submittal of required fees and the submittal of a current certificate of survey, prepared and signed by a state-registered land surveyor, depicting the following:
 - a. Legal description and boundaries of each proposed parcel;
 - b. Parcel area and dimensions – total land area and each proposed parcel;
 - c. The boundaries and legal descriptions of the lots as they are proposed to be subdivided;
 - d. Existing site improvements, including structures;
 - e. Distances from structures to property lines;
 - f. Location of any existing tile lines, abandoned wells, drainage ways, waterways, watercourses, lakes, wetlands and the toe and top of any bluffs present. When applicable, the ordinary high water level and 100-year flood elevations shall be shown;
 - g. Easements of record;
 - h. All encroachments; and
 - i. The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least five feet in width for interior lots and ten feet in width for corner lots must be provided along all street-side property lines. A drainage and utility easement may also be required over wetlands, ponds, lakes and drainage channels and tributaries. Dedication of roadway easements consistent with city, county and regional plans may also be required.
3. When applicable or required by this ordinance, a Declaration of Restriction with the required language shall be filed with the County Recorder.
4. The Zoning Administrator shall review the proposed Administrative subdivision for compliance with all applicable ordinances. After the review, the Zoning Administrator shall notify the applicant whether the subdivision is approved or denied. If denied, the Zoning Administrator shall provide written reasons for the decision.
5. Unless specifically allowed as an administrative subdivision by this ordinance, any subdivision of land regulated by this Ordinance shall only be approved as a standard plat, Registered Land Survey or Common Interest Community, whichever is applicable.

4.2 Standard Plat

Standard Plats allow the subdivision of land by Plat pursuant to Minnesota Statutes, Chapter 505; or successor statutes, and containing all elements and requirements set forth in all official controls adopted pursuant to Minnesota Statutes, Chapters 462 and 505; or successor statutes.

1. **Standard Plat Approval Process.** Except as otherwise provided in this Ordinance, the standard plat approval process shall be followed if the proposed subdivision does not meet the standards necessary to qualify as an administrative subdivision.
2. **Preliminary Plat Approval Process for Plats Consisting of Two or More Lots**

- a. The owner of subdivider shall file an application for preliminary plat approval with the Zoning Administrator that shall consist of the following:
 - i. A completed application form and documents demonstrating sufficient ownership or control in the property being platted.
 - ii. A sufficient number of paper copies of the preliminary plat of a sufficient size and scale to make it legible, as determined by the Zoning Administrator. At a minimum, the application shall contain the information required in this Ordinance.
- b. The application shall be accompanied by all fees established pursuant to this ordinance.
- c. The preliminary plat approval stage is the point in the review process in which all information pertinent to the proposed development is furnished by the subdivider for review by the Zoning Administrator, Planning Commission and the public. The information provides the basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development. A preliminary plat is a plan of how the property will be developed. Changes may be required by the Zoning Administrator, Planning Commission or City Council and additional information may be required during the review process. In the event that additional information is needed to provide an adequate basis for making a decision, the Zoning Administrator, Planning Commission or City Council may request additional information in order to provide an adequate basis for making a decision.
- d. Preliminary plat information shall be shown on the plat map. However, some information may be submitted in other forms as approved by the Zoning Administrator. The plat map and documents shall contain the following information:
 - i. Existing features to be shown:
 - a) Existing property lines and property lines extending 100 feet from the exterior boundaries of the parcel to be subdivided, including the names of the adjacent property owners and current use of those properties.
 - b) Existing public and private roads, showing widths of the roads and any associated easements.
 - c) Location and size of any abandoned wells, sewage treatment systems and dumps.
 - d) Existing buildings and any impervious surface.
 - e) Topography at 2' intervals and source of contour interval, unless approved otherwise by the Zoning Administrator or Planning Commission. A contour map of the surrounding properties may also be required.

- f) Existing general outline of existing trees and vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
- g) Waterways, watercourses, lakes and public water wetlands
- h) Delineated wetland boundaries for all wetlands located within the plat boundaries that are not public waters or public waters wetlands, including a copy of the complete wetland delineation report.
- i) The 100 year flood elevation and Regulatory Flood Protection Elevation, if available.
- j) Floodway, flood fringe and/or general flood plain district boundary, if applicable.
- k) The shoreland district boundary, if any portion of the plat is located in shoreland.
- l) In the shoreland district, the ordinary high water level and the highest known water level.
- m) In the shoreland district, the toe and top of any bluffs present.
- n) In the shoreland district, show near-shore aquatic conditions. Information should include lake or river depth, types of bottom sediment and aquatic conditions.
- o) Mapped soils according to the Douglas County Soil Survey.
- p) Surface water drainage patterns.
- q) Any additional features deemed necessary at the pre-application meeting or by the Zoning Administrator.

ii. Proposed features to be shown:

- a) Proposed lot lines, dimensions and acreage of all new lots.
- b) Proposed uses and residential density.
- c) Name, location, grade and width of proposed streets and any provision for extending streets to serve adjacent areas.
- d) A detailed grading plan for streets located within the plat boundary.
- e) General plans for installation of sewer, storm water retention and/or drainage facilities. Include storm water management calculations and plans for the proposed development if required to obtain an NPDES Phase II permit under state or federal regulations.
- f) If private sewers are permitted, identification on the preliminary plat for each applicable lot the location of two standard sewage treatment system sites together with the site evaluation report completed by a licensed site evaluator.

- g) Proposed easements for utilities, drainage and storm water storage.
 - h) The minimum setbacks and resulting building lines.
 - i) Identification of any physical characteristics of the site constituting a susceptibility to erosion or siltation, including effects to any adjacent property, and identification of the erosion control measures, if any, to be used to prevent any erosion or siltation.
 - j) Identification of the buildable lot area as set forth in this ordinance or the City of Garfield Zoning Ordinance.
 - k) Proposed lot and block numbers.
 - l) Proposed soil borrow areas for any new road within the plat boundary.
- iii. General Information:
- a) The proposed name of the plat, which shall not duplicate or be alike in pronunciation to the name of any plat theretofore recorded in the county.
 - b) Name, address and phone number of the owner, subdivider, agent, applicant, surveyor and other principles involved in the development of the plat.
 - c) Proof of ownership.
 - d) Existing zoning. Reference any zoning or similar land use actions that have already occurred that are pertinent to the proposed development.
 - e) Total acreage of the land to be subdivided.
 - f) Boundary line survey and legal description.
 - g) North arrow and scale.
 - h) Graphic scale of not less than 1 inch to 100 feet unless otherwise approved by the Department.
- iv. The following shall be added to the plat map or drawing when a proposed preliminary plat includes lands abutting upon an existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the Office of the County Recorder and/or Registrar of Titles or a preliminary plat that includes lands abutting upon an existing or established county or county state aid highway:
- a) The outlet for and means of disposal of surface waters from the proposed platted area;
 - b) The land use designation and zoning category of the proposed platted area;

- c) The locations of ingress and egress to the proposed platted area; and
 - d) A preliminary site plan for the proposed platted area, if one has been prepared.
- e. A preliminary plat shall be reviewed and considered in accordance with the following procedure:
 - i. When a preliminary plat application is complete, the Zoning Administrator shall submit the preliminary plat application to the Planning Commission for review and recommendation.
 - ii. A preliminary plat which includes land abutting upon an existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the Office of the County Recorder and/or Registrar of Titles shall be submitted to the Commissioner of Transportation for written comments and recommendations at least 30 days prior to the city taking final action on the preliminary plat application. Where a preliminary plat includes land abutting upon an existing or established county or county state aid highway, the preliminary plat shall be submitted to the County Highway Engineer within five days of receipt by the city for written comments and recommendations. The city may not take final action on the preliminary plat until the County Engineer's comments are received or 30 days have elapsed.
 - iii. The Zoning Administrator shall set a public hearing on the preliminary plat application.
 - iv. The Planning Commission shall conduct a public hearing before final consideration of the preliminary plat. Public notice shall be in accordance with Minnesota Statutes, Chapter 462.358, subd. 3b; or successor statutes.
 - v. The Planning Commission shall submit its recommendations and findings to the City Council. The recommendation may be conditional, and may recommend approval or denial of all or part of the preliminary plat.
- f. The Planning Commission shall consider, but not be limited to, the following criteria when considering a preliminary plat:
 - i. The preliminary plat shall conform to all applicable official controls and all state and federal laws.
 - ii. The preliminary plat shall be consistent with any City of Garfield Comprehensive Plan or other formal statements or expressions of policy.
 - iii. No plat shall be approved which does not conform to any applicable floodplain regulations.

- iv. No plat shall be approved unless all lots are served with public sewer, except where specifically allowed otherwise by the City Council.
 - v. A plat shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.
 - vi. No plat shall be approved that does not contain adequate provisions for storm water runoff. If required, no plat shall be approved without an NPDES Phase II-compliant storm water management plan reviewed and approved by the City or its designated representative.
 - vii. Each lot shall have sufficient buildable lot area which, for the purposes of this Ordinance, shall be defined as the contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, buildings and driveways, while still providing for adequate setbacks. Areas which are floodways, wetlands, rights-of-way, or bluffs cannot be included in calculating the buildable area of a lot.
 - viii. When deemed appropriate by the Zoning Administrator or the Planning Commission, the subdivider shall provide a vegetative buffer adjacent to delineated wetlands and/or wetlands identified on the National Wetland Inventory Map.
 - ix. The Planning Commission shall consider whether the plat as proposed adequately protects the health, safety and welfare of the residents of the City by providing for safe and adequate drinking water supply, adequate sewage treatment capacity, safe road access, proper road alignment and proper setbacks and buffering from conflicting land uses.
- g. Final Plat Approval Process
- i. No application for final plat approval shall be submitted without approval of a preliminary plat according to the procedures of this ordinance.
 - ii. The final plat shall have incorporated all changes or modifications recommended by the Planning Commission and provide final "as-built" construction plans for all required public improvements. In all other respects, the final plat shall conform substantially to the preliminary plat.
 - iii. The final subdivision plat shall be drawn at a scale of not more than 200 feet to the inch or as approved by the City. The sheets shall be numbered in sequence, if more than one sheet, and shall be submitted on 20" x 30" paper sheets or as otherwise approved by the City. Mylar copies suitable for final recording are not required by the City.
 - iv. The final subdivision plat shall be prepared by a land surveyor licensed by the State of Minnesota.
 - v. The final plat shall be prepared for recording purposes and must include all information and be presented as required by the Douglas County Recorder's Office.

- vi. A current title opinion or title commitment to the description of the property being platted shall be submitted with the final plat. For the purposes of this Section, current shall mean that the document shall have originated within 30 days or less at the date of submission of the final plat.
- vii. Any restrictive covenants, subdivision agreements, declarations of restriction or certificates of transfer of development rights shall be submitted with the final plat.
- viii. The Douglas County Surveyor shall have approved the final plat as in conformance with applicable state and county requirements.
- ix. The final plat shall be considered a complete application when the Zoning Administrator has determined that all requirements have been met.
- x. Upon review and acceptance by the Zoning Administrator that the final plat is a complete application, the final plat shall be submitted to the City Council for consideration.
- xi. If a final plat is approved by the City Council, the subdivider shall record it within the Office of the County Recorder and/or Registrar of Titles within one year after the date of approval otherwise the approval of the final plat shall become null and void.
- xii. In the event an approved preliminary plat is not submitted to the City Council for final plat approval within one (1) year of the Planning Commission's recommendation for approval, the preliminary plat shall become null and void. The City Council may grant an extension of up to one additional year at its discretion or in the case of a phased development in which only a part of an approved preliminary plat is submitted for final plat approval. The subdivider shall request an extension at the same time that that the first phase is submitted for final plat approval. When an extension is granted by the City Council, the final plat for all subsequent phases shall be subject to the official controls in effect at the time of final plat approval.
- xiii. Final construction plans for all required improvements, as designed by a licensed, professional engineer, shall be subject to review and approval by the City, or their designated representative. Plans may also be reviewed by other appropriate agencies, as determined by the Zoning Administrator. Plans shall be drawn at a scale and size as approved by the City. The following shall be shown:
 - a) **Plan and Profile.** Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown. Final construction plans shall show the locations and

cross-section of street pavements including curbs and gutters, sidewalks and trails (if required), drainage easements, rights-of-way, manholes, and catch basins; the locations of street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

- b) **Utility Plan.** Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, at the point of connection to proposed facilities and utilities within the subdivision.
- c) **Grading, Drainage, and Erosion Control Plan.** A final grading, drainage, and erosion control plan for the entire subdivision shall be submitted reflecting those portions of the subdivision affected by drainage, and erosion control measures that are required of the developer. Topography at the same scale as the preliminary plat with a contour interval of two (2) feet. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high-and low-water elevations of such lakes or streams. The City Engineer may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred-foot (100-foot) stations be shown at five (5) points as follows: On a line at right angles to the center line of the sheet, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line. The Zoning Administrator may require cross sections in sensitive natural resource areas including bluffs, shorelands, and wetlands.
- d) All specifications and references required by the City's construction standards and specifications.
- e) Title, name, address, and signature of licensed engineer and surveyor, and revision dates.

4.3 Registered Land Survey Approval

Except as provided in this Ordinance, registered land surveys pursuant to Minnesota Statutes, Section 508.47; or successor statutes, shall be reviewed and considered for approval in the same manner as though a standard plat.

4.4 Common Interest Communities

A Common Interest Community shall be evaluated and considered for approval in the same manner as a standard plat and shall be subject regulated as a planned unit development whenever the design of the common interest community is not consistent with the minimum lot size dimensions contained in the City of Garfield Zoning Ordinance.

1. Common Interest Communities shall meet the minimum guidelines established in the “Common Interest Community Plat Manual of Minimum Guidelines”; or successor manual.
2. Common Interest Communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in the City of Garfield Zoning Ordinance. Existing structures, uses or other improvements to the land that are inconsistent with current zoning regulations shall be regulated as nonconformities, as outlined in the City of Garfield Zoning Ordinance or as otherwise required by state or federal law.
3. Conversion of an existing resort, mobile home park or other similar form of development to a common interest community shall be by standard plat pursuant to the requirements of this Ordinance and the applicable requirements of Minnesota Statutes, Chapter 515A and Chapter 515 B; or successor statutes, and shall be further subject to the following:
 - a. When considering approval of conversions, the Planning Commission shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connection to municipal systems where they are available. In areas where municipal services are not available, design plans shall be presented and approved for a community wastewater treatment system as an integral element of the Common Interest Community approval. A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing sewage treatment systems shall be established by subdivision agreement.
 - b. The subdivider shall make every effort to minimize the degree of nonconformity with existing lot and area requirements and setback requirements. Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots. Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.
 - c. The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.
 - d. To the extent possible, the common open space, individual properties and other elements of the Common Interest Community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.

SECTION 5. COMPLETION AND MAINTENANCE OF IMPROVEMENTS

5.1 Completion and Maintenance

1. **Completion of Improvements Prior to Final Plat Approval.** Before the final plat is signed by the designated representative(s) of the City, all applicants shall be required to complete at their expense, without reimbursement by the City or any improvement district, all public improvements as required in these regulations, specified in the final plat and as approved by the City Council, and to dedicate those public improvements to the City or other governmental entity, free and clear of all liens, mortgages and encumbrances on the dedicated property and public improvements.
2. **Maintenance.** The developer shall agree to maintain the required public improvements for a period of **one (1) year** following the acceptance of the completed public improvements. The developer may organize a homeowner's association and assign responsibility to maintain public improvements to the homeowners association but the ultimate responsibility rests with the developer.
3. **Warranty.** The developer shall warrant that all required public improvements will be free from defect for a period of **two (2) years** following the acceptance by the City of the last completed public improvement.
4. **Snow Removal and Emergency Repairs.** The developer shall be required, in accordance with any applicable City ordinances or regulations, to provide snow removal on all streets, and pedestrian facilities if applicable, in the subdivision until all of the streets and pedestrian facilities in the subdivision are accepted by the City. The developer may organize a homeowner's association and assign responsibility to maintain public improvements to the homeowners association but the ultimate responsibility rests with the developer. The developer shall be responsible to make emergency repairs until the improvements are accepted. The City, after twenty-four (24) hours notice with no action by the developer, may plow the streets or make emergency repairs and charge those costs to the developer.
5. **Adequate Access.** The City Engineer shall determine the extent of street improvements necessary for adequate vehicular access by the prospective occupant(s) and by police and fire equipment prior to the construction or placement of structures or other improvements.

5.2 Inspection of Improvements.

1. **Procedure.** All required improvements to be installed under the provisions of this ordinance may be subject to approval by and subject to the inspection of the City Engineer or other person assigned by the City Council. Such inspections may take place at any or all points of the construction process. If the City finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the required construction standards and specifications, the applicant shall be responsible for properly completing the improvements.
2. **Fees.** The applicant shall pay to the City an inspection fee based on the estimated cost of inspection, when required by the City. The subdivision plat shall not be signed by City officials unless the applicable inspection fee has been paid. These fees shall be due and payable upon demand of the City. No construction or placement of structures or other

improvements may occur until all fees are paid unless financial security is provided to the City pursuant to this Section.

SECTION 6. SUBDIVISION DESIGN STANDARDS

6.1 General. The following principles, standards and requirements will be applied by the City in evaluating proposed subdivisions. These are the minimum principles, standards and requirements for the promotion and protection of the public health, safety, morals, and general welfare and shall not preclude the City from requiring stricter standards or requirements when the conditions merit:

1. **Community context.** Proposed subdivisions shall be coordinated with existing nearby development so that the community as a whole may develop harmoniously based on the minimum standards of this Ordinance.
2. **Comprehensive or other policy plans.** Proposed subdivisions shall be designed in recognition of the general policies included in the City of Garfield Comprehensive Plan, if any, or other formal statements or expressions of policy.
3. **Land/soil suitability.** Land that the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City Council to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare. The following areas are unsuitable for development:
 - a. **Flood Plain Areas.** No land shall be subdivided in designated flood plain areas or areas that may be subject to flooding unless the proposed subdivision complies with the standards of the Federal Emergency Management Agency (FEMA), State of Minnesota Floodplain regulations and is proposed in combination with buildable areas.
 - b. **Wetlands.** Wetlands or wetland buffer areas, as defined and classified under the Wetland Conservation Act of 1991, shall not be included in calculating the square footage of the buildable area on any lot.
4. **Conformance to Applicable Rules and Regulations.** In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations unless a variance is granted:
 - a. Any applicable City ordinance, engineering standards and all other applicable laws of the City.
 - b. Any adopted official maps, public utilities plans, Public Capital Improvement Programs, or other adopted plans or programs of the City.
 - c. All applicable statutory provisions.
 - d. The requirements and rules of the Minnesota Health Department, Minnesota Department of Natural Resources, the Minnesota Department of Transportation, the Minnesota Pollution Control Agency or other applicable state or federal agencies.

5. **Self-Imposed Restrictions.** If the developer places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference to those restrictions shall be recorded in the Developer's Agreement.
6. **Adequate Public Facilities.** No preliminary plat shall be approved unless the City Council determines that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities shall include roads, electric utilities, telecommunications, stormwater/drainage, sanitary sewer, water, gas or other energy service, public safety or other public services necessary to serve the development as determined by the City Council.
7. **Debris and Waste.** No cut trees, timber, or other organic materials of any kind shall be buried in any land, or left or deposited on any lot or street in the subdivision except as approved by the City. If approved, all areas intended to be used for burying debris shall be shown and noted on the preliminary plat. Areas proposed for the burying of debris shall not be located in or affect the following; buildable areas, driveways, wells, utilities, or drainfield sites.. No debris or waste shall be left in any area of the subdivision at the time of expiration of any developer's agreement or dedication of public improvements.

6.2 Blocks. Block length and width or acreage within bounding streets and/or shoreland areas shall be laid out to accommodate the size of the lots required by the zoning ordinance and to provide convenient access, circulation and safety of street traffic. Blocks shall meet the following standards:

1. **Length.** Block lengths should not exceed one thousand three hundred twenty (1,320) feet except where topography or shoreland conditions exist. In blocks longer than eight hundred (800) feet, a pedestrian way with a minimum right-of-way of ten (10) feet may be required near the center of the block. The use of additional pedestrian ways to schools, parks and other destinations may also be required.
2. **Arrangement.** A block shall be so designed as to provide two (2) tiers of lots of appropriate depth unless it adjoins a railroad or limited access highway, and unless the rear lot line abuts a different land use, or topographic conditions necessitate a single tier of lots. In these cases the lot depth shall be at least fifteen (15) feet greater than minimum requirements.

6.3 Lots.

1. **Access.** All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or for Planned Unit Developments (PUDs).
2. **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.
3. **Lot Dimensions and Shape.** Lot dimensions shall comply with the minimum standards of the Zoning Ordinance, except as stipulated in Section 6.3, subsection 11 below, and should generally be rectangular in shape. Where lots are more than double the minimum required area for the zoning district, the City may require that those lots be

arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinance and these regulations.

4. **Lot Orientation.** The lot line common to the street right-of-way shall be the front line. All lots should be oriented toward the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side property line of an adjacent lot. Side lot lines shall be at right angles to the public rights-of-way or water features unless topographic conditions necessitate a different arrangement.
5. **Corner Lots.** Corner lots shall be platted at least fifteen (15) feet wider than the minimum lot width required or as further specified in the Zoning Ordinance, when determined necessary by the City.
6. **Water Resource Lots.** Land below the ordinary high water mark (OHW) shall not be included within minimum lot area calculations of any lot in a subdivision as required in the Zoning Ordinance. Lots with lakeshore frontage should be designed so that the lot lines extended maintain the closest approximation to riparian right. Lots abutting upon a watercourse, drainage way, channel or stream shall have an additional depth or width, as required to assure building sites that are not subject to flooding. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the City Engineer and the Minnesota Department of Natural Resources, if applicable.
7. **Lots Along Highways and Railroads.** There shall be no direct vehicular access from residential lots to principal or major arterial roadways or major collector streets. Residential lots shall be separated from principal and major arterial roadways and major collector streets and railroad rights-of-way by a fifteen (15) foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the street or railroad right-of-way.
8. **Commercial and Industrial Lots.** The depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
9. **Lot Remnants.** No remnants of lots below minimum size shall be left over after subdividing of a larger tract. Remnant areas must be attached to adjacent lots rather than be allowed to remain as unusable parcels.
10. **Double Frontage Lots.** Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
11. **Reduced Lot Widths.** To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) provided the following conditions are met:
 - a. The total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by

existing roads shall be calculated separately from lots to be served by newly constructed roads;

- b. The minimum required lot width is met at 1) either the front or rear lot line and 2) at the midpoint of the lot depth or 300 feet from the front lot line, whichever is closer to the front lot line.
- c. Each lot contains an adequate buildable area to accommodate water supply systems, sewage treatment systems, buildings, driveways and other customary improvements to a lot, while still providing for adequate setbacks, exclusive of any portion of the lot not meeting minimum width requirements.
- d. The lot width is reduced to no less than 66 feet for lots larger than five-and-a-half (5.5) acres in size or for smaller lots where future resubdivision is anticipated or feasible, as determined by the City Council.
- e. The lot width is reduced to no less than 50 feet for lots that are five-and-a-half (5.5) acres in size or less and where future resubdivision is not feasible, as determined by the City Council.

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

6.5 Sanitary Sewer. Whenever trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to such trunk line sewers. In other cases, extension of sanitary sewer facilities or individual on-site sewage treatment systems shall be used. Either shall be provided in accordance with state and city regulations.

6.6 Water Supply. Wherever connection with a community or public water system is possible, the public water shall be used. In other cases, extension of the public water system or individual wells shall be used. Either shall be provided in accordance with state and city regulations.

6.7 Fire Hydrants. Installation shall be pursuant to plans approved by the city engineer and the city fire inspector and shall be located in accordance with insurance service office (ISO) standards and the Minnesota State Fire Code (MSFC). All hydrants shall be easily accessible to firefighting personnel and equipment and bagged until charged and ready for use. Fire hydrants shall be charged prior to framing of structures within the subdivision.

6.8 Grading, Drainage and Stormwater Facilities. The Planning Commission shall not recommend approval of any subdivision that does not make adequate provision for storm and flood water runoff channels or basins in accordance with the following:

1. **Technical Reference Documents.** The City officially designates the "Erosion Control Handbook" prepared by the Minnesota Department of Transportation" "Minnesota Construction Site Erosion Control and Sedimentation Control Planning Handbook" prepared the Minnesota Board of Water and Soil Resources and "Protecting Water Quality in Urban Areas" prepared by the Minnesota Pollution Control Agency as the technical references for this section. These reference documents will be used to ensure the proper design, construction and maintenance of the stormwater management facilities of a proposed project.

2. **System Design.** The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City, and a copy of design computations shall be submitted along with plans. Surface water drainage patterns shall be shown for each and every lot and block.
3. **Drainage Easements.** When a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
 - a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements as approved by the City for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be indicated on the preliminary and final plats.
 - b. Drainage easements shall extend to a natural watercourse or to other drainage facilities, if storm flows from a proposed subdivision are increased. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured.
 - c. Low-lying lands along watercourses subject to flooding or overflowing during stormy periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage easements.
4. **Lot Grading and Erosion Control.**
 - a. **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildable areas. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
 - b. **Soil Preservation and Final Grading.** All areas with disturbed soils shall be replaced with a minimum of 4 inches of top soil and be stabilized by seeding or sod planting as recommended in the "Minnesota Construction Site Erosion Control and Sedimentation Control Planning Handbook" prepared by the Minnesota Board of Water and Soil Resources and "Protecting Water Quality in Urban Areas" prepared by the Minnesota Pollution Control Agency or as approved by the City.

6.9 Highways, Streets, and Alleys. Proposed streets shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.

1. **General Requirements.**
 - a. **Classification.** All streets shall be classified by the City as either a principle arterial, minor arterial, major collector, minor collector, or local street in accordance with any established Comprehensive Plan or written policies.

- b. **Arrangement and Topography.**
 - i. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Comprehensive Plan or other official City documents.
 - ii. All major streets shall be properly related to special traffic generators such as industries, business districts, schools, and other large trip generating sites.
 - iii. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades. All streets should be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets should conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
 - iv. The design of all streets shall be considered in their relation to runoff of storm waters.
 - v. A Public Road (Street) right-of-way must be dedicated and be adjoining to and serve all new lots within the proposed subdivision, except as otherwise allowed in the Zoning Ordinance, and must connect to an existing public road.
 - vi. Where new streets extend existing adjoining streets, their projections shall be the same or of greater width, but in no case less than the minimum required width.
 - vii. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets in order to contribute to area circulation. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then a new street shall be carried to the boundaries of such undivided land, subject to the provisions of any City road and street construction standards.
- c. **Access Spacing Guidelines.** Access to streets shall comply with any applicable City, County or State access spacing requirements. If none, access shall adhere to Minnesota Department of Transportation guidelines unless specifically waived by the City.

2. **Design Standards.**

- a. **General.** These standards are meant to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access for police, fire fighting, snow removal, sanitation, and road maintenance services and equipment, and to coordinate streets so as to create a convenient system and avoid undue hardships to adjoining properties.
- b. **Rights-of-Way Widths.** The minimum widths for each type of public street right-of-way shall be as follows:

Type of Street	Rights-of-Way Width
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Principle Arterial	150 feet
Minor Arterial	120 feet
Major/Urban Collector	100 feet
Minor Collector	100 feet
Local	66 feet
Alley	Less than 24 feet

Additional rights-of-way or easements and roadway widths may be required by the City to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three-to-one unless approved by the City Engineer.

- c. **Street Width and Grades.** The construction for all dedicated roads within a subdivision shall meet the standards established by the City Council.
- d. **Reverse Curves.** Tangents of at least one hundred (100) feet in length may be required between reverse curves on collector streets and fifty (50) feet on lesser streets.
- e. **Street Jogs.** Street jogs with center line off-set of less than one hundred fifty (150) feet shall be avoided.
- f. **Street Intersections.** Insofar as practical, streets shall intersect at right angles, and no intersection shall be at an angle of less than 45 degrees or greater than 120 degrees. It must be evidenced that safe and efficient traffic flow is encouraged.
- g. **Cul-de-sacs and Turnarounds.**
 - i. Permanent cul-de-sac streets may be allowed provided that:
 - a) Evidence is presented that the road should not or cannot reasonably be continued.
 - b) Each cul-de-sac street shall provide at the closed end a turn-around having a minimum outside diameter of eighty (80) feet and a minimum right-of-way line diameter of one hundred twenty (120) feet.
 - c) A minimum front lot line footage of fifty (50) feet.
 - d) A maximum length of 500 feet unless topographic conditions necessitate greater length, as determined by the City Council.
 - ii. Temporary or permanent turn-around areas will be allowed provided that:
 - a) The street or road right-of-way is dedicated beyond the temporary turn area to the boundary line of the nearest adjoining unsubdivided land.

- b) A provision is made as to the responsibility of building the remaining road.
 - c) An easement document covering the area needed for the turn-around is provided to be recorded with the final plat or contained as a dedication on the final plat.
 - h. **Half Streets.** Half streets shall be prohibited except where subdivisions abut an existing public roadway or where the Council finds it to be practical to require the dedication of the other half when the adjoining property is subdivided.
 - i. **Street Names.** The name of any street theretofore used in the City shall not be used unless the proposed street is an extension of an already named street, in which event the name shall be used. The subdivider shall obtain approval from the City subject to review by the City for duplication and appropriateness of the selected street name.
 - j. **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.
 - k. **Local Service Drives.** Where a proposed plat adjoins a principle or minor arterial or major collector, the City Council may require the developer to provide an access street along the right-of-way of such facilities or they may require that lots back on the thoroughfare, in which case vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.
 - l. **Hardship to Owners of Adjoining Property.** The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- 6.10 **Street Signs.** Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the City Council.
- 6.11 **Trails and Sidewalks.** The City may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width. Sidewalks, where provided or required, shall be at least five feet in width, with greater widths as may be required by the City.
- 6.12 **Utilities.** All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables should be located underground throughout the subdivision. If underground placement is impractical, overhead wires shall be located in rear yards as approved by the city council. Service lines shall be installed at the property owner's expense. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or the construction plans as determined by the City. Underground service connections to the street property line of each platted lot should be installed when approved by the utility.
 - 1. **Easements.** Utility easements at least ten (10) feet wide on each lot (for a total of 20 feet) shall be provided for utilities, where necessary. They shall be provided along rear lot lines (except along shorelines) or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.

6.13 Natural, Unique or Sensitive Features. Existing features that would add value to the proposed subdivision, or that are likely to be irreparably damaged or impacted by the proposed development, such as trees, watercourses, beaches, hills and ridges, wetlands, scenic views, wildlife habitat and nesting areas, unique geologic features, steep or erosive slopes and bluffs, woodland areas, prairie lands, shallow groundwater supplies, near-shore aquatic vegetation or habitat, historic sites, structures and features, and similar irreplaceable assets, shall be preserved in the design of the subdivision within all zoning districts. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted, except as may be required for preparing documents for the preliminary plat (e.g. soil tests). The preliminary plat shall show the general outline of existing trees . Removal or alteration of trees and other vegetation shall comply with any applicable City of Garfield Ordinances.

6.14 Non-Residential Subdivisions. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

Passed by the City Council of the City of Garfield, Minnesota on the 13 day of August, 2013

Dan Kalina, Mayor

Attest:

Paulynn Terhark
City Clerk

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