

# **CHAPTER 5**

## **SUBDIVISION AND DEVELOPMENT REGULATIONS**

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## SECTION 5.010 INTERPRETATION, PURPOSE AND JURISDICTION

**Subd. 1. Interpretation.** The provisions of this chapter establish regulations for the Subdivision and platting of land within the City of Eagle Lake; defining certain terms used therein; providing for the preparation of plats; providing for the installation of utilities, streets and other improvements; providing for the dedication of certain land for parks and playgrounds; and establishing procedures for the approval and recording of plats.

**Subd. 2. Purpose.** In order to safeguard the best interests of the Community of Eagle Lake and to assist the subdivider in harmonizing his interests with those of the City at large, the following regulations are adopted in order that adherence to same will bring results beneficial to both parties. Because each new subdivision becomes a permanent unit in the basic unit structure of the expanding community, and to which the community will be forced to adhere, and because piecemeal planning of subdivisions will bring an undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to a master plan of the City aiming at a unified scheme of community interests, all subdivision of land hereafter submitted for approval to the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this chapter. It is the purpose of the chapter to make certain regulations and requirements for the platting of land within the City of Eagle Lake pursuant to the authority contained in Minnesota Statutes Annotated Chapters 429, 471, and 505, which regulations the City Council deems necessary for the health, safety and general welfare of this Community.

**Subd. 3. Jurisdiction.** The regulations herein governing plats and subdivision of lands shall apply within the corporate limits of the City and any areas beyond the corporate limits in which the City has authority to approve plats and subdivisions.

## SECTION 5.020 DEFINITIONS

For the purpose of this chapter, certain words and terms are hereby defined as follows:

**Subd. 1. Alley.** A public right-of-way which affords a secondary means of access to abutting property.

**Subd. 2. Block.** An area of land within a subdivision that is entirely bounded by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

**Subd. 3. Comprehensive Development Plan.** The comprehensive plan prepared and adopted by the Planning Commission and approved by the City Council which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City and include any unit or part of such plan separately adopted and any amendment to such plans or parts thereof.

**Subd. 4. Deflection Point.** The angle between a line and the prolongation of the preceding line.

**Subd. 5. Design Standards.** The specifications to land owners or subdivider for the preparation of plats, both preliminary and final, indicating among other things, the optimum minimum or maximum dimensions of such items as right-of-way, blocks, easements, and lots.

**Subd. 6. Easement.** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to electric lines, telephone lines, storm sewer or storm drainage ways, gas lines and walkways.

**Subd. 7. Final Plat.** A drawing or map of a Subdivision, meeting all the requirements of the City and in such form as required by the City for purposes of recording.

**Subd. 8. Hardshell.** Refers to the white mat card stock on which a final plat is prepared and when appropriate signatures are affixed, is presented to the Blue Earth County Recorder for official recording.

**Subd. 9. Lot.** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

**Subd. 10. Mylar.** A reproducible copy of the plat which is produced by a photographic process.

**Subd. 11. Percentage of Grade.** Street center line means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

**Subd. 12. Pedestrian Way.** A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and which may be used for the installation of utility lines.

**Subd. 13. Planning Agency.** The Planning Commission of the City of Eagle Lake.

**Subd. 14. Planning Commission.** The Planning Commission of the City of Eagle Lake.

**Subd. 15. Preliminary Plat.** The preliminary map, drawing or chart indicating the proposed layout of the Subdivision to be submitted to the Planning Commission for its consideration.

**Subd. 16. Protective Covenants.** Contracts made between private parties as to the manner in which land may be used, with the specific intention of protecting and preserving the physical, social, and economic integrity of any given area.

**Subd. 17. Sepia.** Refers to a reproducible copy of the plat which can be produced by processing through a blue line machine.

**Subd. 18. Street.** A public right-of-way affording primary access for pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated.

**Subd. 19. Street Urban Principal Arterial.** A street which serves the major center of activity of a metropolitan area. Contains the highest traffic volume corridors and has the longest trips.

**Subd. 20. Street Urban Minor Arterial.** A street which interconnects with and augments the urban principal arterial system and provides service to trips of moderate length with lower level of travel than principal arterial. This system distributes travel to smaller geographical areas than the principal arterial.

**Subd. 21. Street Urban Collector.** Distributes trips from the arterial through the area to the ultimate destination which may be on a local street.

**Subd. 22. Street Local.** Serves to provide access to abutting properties from the higher order roadway systems.

**Subd. 23. Street Frontage Roads.** Minor streets which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

**Subd. 24. Street Cul-De-Sac.** A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Subd. 25. Street Width.** The shortest distance between lines of lots delineating.

**Subd. 26. Subdivision.** A described tract of land which is to be divided into two (2) or more lots or parcels, any of which resultant parcels is less than five (5) acres in area, for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land. The term includes a re-subdivision and where it is appropriate to the context, related either to the process of subdividing or to the land subdivided.

**Subd. 27. Tangent.** A straight line projected from the ends of two (2) curves which is perpendicular to a line in each curve drawn from the radii point to the end of the curve.

**Subd. 28. U.S.G.S. Datum.** Refers to the United States Geodetic Survey Datum.

**Subd. 29. Vertical Curve.** The surface curvature on a street center line located between lines of difference percentage of grade.

## **SECTION 5.030 GENERAL APPLICATION PROCEDURE**

### **Subd. 1. General Procedure.**

- A. Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:
1. Concept Plan Review
  2. Preliminary Plat
  3. Final Subdivision Plat
- B. For the purposes of these regulations, the date of the meeting of the Planning Commission at which the public meeting or hearing on approval of a preliminary or final subdivision plat is held shall constitute the Official Submission Date of the plat on the statutory period required for formal approval.

## **SECTION 5.040 CONCEPT PLAN REVIEW**

**Subd. 1. Concept Plan Review Required.** Prior to the filing of an application of a preliminary plat, the owner and his surveyor/engineer shall meet with City staff for informal discussion of the proposed plat. As far as may be practical on the basis of informal discussion, City staff will advise the owner as to the extent which a proposed subdivision concept conforms to the Comprehensive Development Plan and suggest possible plan modifications necessary to ensure conformance. In addition to informal review of the concept, the owner shall be notified of the kind and extent of improvements to be made by him as part of a subdivision agreement.

**Subd. 2. Specifications for Documents to be submitted.** All concept plans submitted for staff review shall be drawn to a convenient scale of not more than one hundred feet to an inch and shall show the following information:

- A. Name
1. Name of subdivision if property is within an existing subdivision.
  2. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate any name of any plat previously recorded in Blue Earth County.
  3. Name of property if no subdivision name has been chosen.

## B. Ownership

1. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel or property involved in the proposed subdivision, giving grantor, grantee, date, and lands records reference.
2. Citation of any existing legal rights-of-way or easements affecting the property.
3. Existing covenants on the property, if any.
4. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and surveys.

## C. Description

1. Location of property by government lot, section, township, range, and county, graphic scale, north arrow, and date.
2. Location of property lines, existing easements, burial grounds, railroad right of way, watercourses, and exiting wooded areas of trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all exiting or platted streets or public ways within our immediately adjacent to the tract.
3. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tracts and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and any utility rights of way.
4. Approximate topography, at the same scale as the sketch plat.
5. The approximate location and widths of proposed streets.
6. Preliminary proposals for the connection with existing water supply and sanitary sewage systems; preliminary provisions for collecting and discharging surface water drainage.
7. The approximate location, dimensions, and areas of all proposed or existing lots.
8. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use.
9. A vicinity map showing streets and other general development of the surrounding

area.

10. Whenever the Concept Plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

**Subd. 3. Disagreements and Appeal.** If there is a disagreement between the owner/developer and the staff during the concept plan review, either the owner/developer or the staff may request that the Planning Commission review the proposed subdivision and make a determination as to whether the proposed development concept is acceptable.

### **SECTION 5.050 PRELIMINARY PLAT**

**Subd. 1. Plat Submission.** Following the concept plan review, the owner may submit an application for approval of the preliminary plat, along with four prints of the preliminary plat, one of which shall be reproducible sepia. The owner shall file with the City Clerk at least fifteen (15) working days before a regular meeting date of the Planning Commission any required information, along with the appropriate application fee, which amount may be set from time to time by resolution of the City Council.

**Subd. 2. Specifications for Documents to be Submitted.** The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not more than one hundred feet to an inch; shall be prepared upon sheets or of such size as may be acceptable for filing in the office of the County Recorder, but not to exceed thirty-four inches by forty-four inches in size; and shall include the following information:

A. Identification and Description.

1. The name of the subdivision shall be lettered in prominent print at the top of the plat, together with the name of the city, township and county wherein the subdivision lies. The name of the subdivision shall be simple in nature, easy to pronounce and shall not duplicate in exact name any plat of record in the City of Eagle Lake or Blue Earth County.
2. Location by section, township and range, or by other legal description.
3. The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than owner, and the name of the land surveyor.
4. Graphic scale, not less than one (1) inch to one hundred (100) feet.
5. North point, designated as true north.



4. If the proposed Subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.
5. Location and size of existing paved streets, railroads, sewers, water mains, quarries, gravel pits, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Also such data as grades, invert elevations and location of catch basins, manholes, and hydrants.
6. Boundary lines of adjoining platted or unplatted land and owners of all tracts of land within one hundred (100) feet.
7. Complete topographic map with contour intervals not greater than two (2) feet, watercourses, marshes, rock outcrops, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, and other significant features; all superimposed on at least two (2) prints of the preliminary. United States Geodetic Survey Datum shall be used for all topographic mapping. Flood way and flood fringe zones shall be shown as delineated by current flood plain maps.
8. A separate copy of restrictive covenants, if any, of all adjoining subdivisions.

C. Design Features.

1. Layout of streets, showing right-of-way widths and names.
2. Locations and widths of alleys, pedestrian ways and utility easements.
3. Proposed centerline grades of streets and alleys, if any, showing both existing and proposed grade lines.
4. Location, size and approximate gradient of sewer lines.
5. Location, size and valving of water lines.
6. Location and size of drainage facilities and general grading plans.
7. Layout, lot and block numbers, and typical lot dimensions scaled to the nearest foot. Blocks shall be consecutively numbered. All lots in each block shall be consecutively numbered. Outlots shall be consecutively lettered in alphabetically order.
8. Areas other than those mentioned above intended to be dedicated for public use, including size.

9. A draft of proposed restrictive covenants, if any are contemplated.
10. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, on the dedication or reservation.
11. The location and width of proposed easements.
12. Indication of all other lot uses other than residential proposed by the subdivider.
13. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground.

**Subd. 3. Incomplete Application.** The lack of information under any item specified in this section or improper information supplied by the applicant shall be cause for disapproval of a preliminary plat.

**Subd. 4. Public Hearing.** Upon receipt of the above information, the City Clerk shall call a public hearing for the next scheduled meeting of the Planning Commission to be held at least fifteen (15) days after the date of the application. The City Clerk shall mail notices to the owners of all property within 300 feet of the proposed subdivision and shall submit notice for publication in the official newspaper at least seven (7) days prior to the public hearing.

**Subd. 5. Review and Action.** The Planning Commission shall within a reasonable time, pass upon the preliminary plat as originally submitted or modified. If approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its reasons therefore. Such approval or disapproval shall be transmitted to the Council and the Council shall approve or disapprove the preliminary plat. Approval means the acceptance of the preliminary as a basis for preparation of a final plat.

**Subd. 6. Standards of Approval.** No preliminary plat of a proposed subdivision shall be approved by the Planning Commission unless the applicant proves by clear and convincing evidence that:

- A. The proposed subdivision meets the design standards as set forth in Section 5.070 of this Code.
- B. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels.
- C. The proposed subdivision conforms with all existing zoning regulations applicable at the time that the proposed preliminary plat is submitted for approval.

- D. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- E. The required application fee has been paid.

### **SECTION 5.060 FINAL PLAT**

**Subd. 1. Plat Submission.** Following the approval of the preliminary plat, the owner may submit an application for approval of the final plat, along with four prints of the preliminary plat, one of which shall be reproducible sepia. The owner shall file with the City Clerk at least fifteen (15) working days before a regular meeting date of the Planning Commission any required information, along with the appropriate application fee, which amount may be set from time to time by resolution of the City Council.

**Subd. 2. Specifications for Submitted Final Plat.** The final plat shall substantially conform to the preliminary plat as approved; shall be prepared by a licensed land surveyor at a convenient scale not more than one hundred feet to an inch; shall be prepared upon sheets or of such size as may be acceptable for filing in the office of the County Recorder, but not to exceed thirty-four inches by forty-four inches in size; and shall include the following information:

A. Identification and Description.

1. The name of the subdivision shall be lettered in prominent print at the top of the plat, together with the name of the city, township and county wherein the subdivision lies. The name of the subdivision shall be simple in nature, easy to pronounce and shall not duplicate in exact name any plat of record in the City of Eagle Lake or Blue Earth County.
2. Location by section, township and range, or by other legal description.
3. The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than owner, and the name of the land surveyor.
4. Graphic scale, not less than one (1) inch to one hundred (100) feet.
5. North point, designated as true north.
6. Date of preparation.
7. The following notation shall also be shown:
  - a. Explanation of drainage easements, if any.
  - b. Explanation of site easements, if any.
  - c. Explanation of reservations, if any.
  - d. Endorsement of owner, as follows:



3. Location and names of existing or platted streets or other public ways, parks or other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.
4. If the proposed Subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.
5. Location and size of existing paved streets, railroads, sewers, water mains, quarries, gravel pits, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Also such data as grades, invert elevations and location of catch basins, manholes, and hydrants.
6. Boundary lines of adjoining platted or unplatted land and owners of all tracts of land within one hundred (100) feet.
7. Complete topographic map with contour intervals not greater than two (2) feet, watercourses, marshes, rock outcrops, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, and other significant features; all superimposed on at least two (2) prints of the preliminary United States Geodetic Survey Datum shall be used for all topographic mapping. Floodway and flood fringe zones shall be shown as delineated by current flood plain maps.
8. A separate copy of restrictive covenants, if any, of all adjoining subdivisions.

C. Design Features.

1. Layout of streets, showing right-of-way widths and names.
2. Locations and widths of alleys, pedestrian ways and utility easements.
3. Proposed center line grades of streets and alleys, if any, showing both existing and proposed grade lines.
4. Location, size and approximate gradient of sewer lines.
5. Location, size and valving of water lines.
6. Location and size of drainage facilities and general grading plans.
7. Layout, lot and block numbers, and typical lot dimensions scaled to the nearest foot. Blocks shall be consecutively numbered. All lots in each block shall be

consecutively numbered. Outlots shall be consecutively lettered in alphabetical order.

8. Areas other than those mentioned above intended to be dedicated for public use, including size.
9. A draft of proposed restrictive covenants, if any are contemplated.
10. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, on the dedication or reservation.
11. The location and width of proposed easements.
12. Indication of all other lot uses other than residential proposed by the subdivider.
13. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.
14. The boundary line of the property to be included within the plat is to be fully dimensioned; all angles of the boundary to be indicated; all monuments and surveyor's irons to be indicated; each angle point of the boundary perimeter to be so monumented. Location and ties of monuments that cannot be set at proper location because of physical hardship shall be delineated on the outside boundary of the final plat. Pipes or steel rods shall be placed at each corner of each lot and at each intersection of street center lines.

All U. S., State, County, or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys, shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.

15. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision, with the purposes indicated therein.

**Subd. 3. Incomplete Application.** The lack of information under any item specified in this section or improper information supplied by the applicant shall be cause for disapproval of a preliminary plat.

**Subd. 4. Public Hearing.** Upon receipt of the above information, the City Clerk shall call a public hearing for the next scheduled meeting of the Planning Commission to be

held at least fifteen (15) days after the date of the application. The City Clerk shall mail notices to the owners of all property within 350 feet of the proposed subdivision and shall submit notice for publication in the official newspaper at least seven (7) days prior to the public hearing.

**Subd. 5. Review and Action.** The Planning Commission shall within a reasonable time, pass upon the final plat as originally submitted or modified. If approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its reasons therefore. Such approval or disapproval shall be transmitted to the Council and the Council shall approve or disapprove the final plat.

**Subd. 6. Signing and Recording of Plat.** Following final approval or disapproval by the City Council, the Planning Agency shall notify the owner or subdivider of the Council's action and each final plat, when duly certified, signed and acknowledged by the Planning Commission and City Council, shall then be recorded by the owner in the office of the Blue Earth County Recorder. After the final plat has been filed by the County Recorder, the owner shall provide the City Engineer with a Mylar copy of the final as executed.

**Subd. 7. Partial Final Plat.** The owner may file a final plat limited to such portion of the preliminary plat which he proposed to record and develop at the time, provided that such portion conforms to all requirements of this chapter.

**Subd. 8. Lapse of Preliminary Approval.** Approval of a preliminary plat shall become null and void if a final plat has not been submitted for all or part of the preliminary within one (1) year from the approval of the preliminary plat by the Council.

**Subd. 9. Standards of Approval.** No preliminary plat of a proposed subdivision shall be approved by the Planning Commission unless the applicant proves by clear and convincing evidence that:

- A. The proposed subdivision meets the design standards as set forth in Section 5.070 of this Code.
- B. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels.
- C. The proposed subdivision conforms with all existing zoning regulations applicable at the time that the proposed final plat is submitted for approval.
- D. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- E. The required application fee has been paid and all dedications and conveyances have been made.

## **SECTION 5.070 DESIGN STANDARDS**

### **Subd. 1. General Requirements.**

- A. The Planning Commission in its review of a preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and widths of streets, the general drainage situation, lot sizes and arrangement, as well as Comprehensive Development Plan requirements for parks, school sites and streets, but not limited to these.
- B. The preliminary plat shall cover all of the subdivider contiguous land, but the final plat may cover only a portion of the preliminary plat, provided it is in conformance with the approved preliminary plat and other requirements herein.
- C. Where the parcel is subdivided into larger tracts than for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.
- D. Drainage shall be provided for in the subdivision by adequate storm drains or by maintenance of natural drainage channels.
- E. Where surface water run-off will be increased because of proposed development, beyond the capacity of existing storm systems, storm water holding areas, ponds, or existing drainage channels shall be dedicated. The dedication may not be considered as part of the required public open space dedication.
- F. Subdivisions showing unplatted strips or private streets controlling access to public ways shall not receive approval.

### **Subd. 2. Streets.**

- A. The arrangement, character extent, width and location shall conform to the Comprehensive Development Plan, the approved Standard street sections and all applicable ordinances, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.

- B. Street right-of-way widths shall be as shown in the Comprehensive Development Plan and where not shown therein, shall be not less than as follows:

<u>FEET</u>	
Urban Principal Arterial.....	120
Minor Arterial.....	100
Urban Collector.....	80
Local.....	60

- C. Local streets in planned developments may have an approved right-of-way of forty (40) feet under the following conditions:
1. Ten (10) foot utility easements are provided on each side of the right-of-way.
  2. Sidewalks and pedestrian paths are built as part of the initial development, off the street right-of-way.
  3. Suitable off-street parking space is provided to compensate for ban of off-street parking.

**Subd. 3. Easements.**

- A. Easements at least twenty (20) feet wide centered on exterior lot lines and ten (10) feet wide centered on interior lot lines, shall be provided for utilities, where necessary. Easements shall have continuity of alignment from block to block and at deflection points.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, storm water easement or drainage right-of-way conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area.

**Subd. 4. Block Standards.**

- A. The maximum length of blocks shall be twelve hundred (1,200) feet. Blocks over six hundred (600) feet long may require pedestrian ways at least ten (10) feet wide at their approximate centers.

The use of additional access ways to schools, parks and other destinations may be required.

- B. Residential blocks shall normally be of sufficient width for two (2) tiers of lots.
- C. Blocks intended for commercial and industrial use shall be designed as such.

**Subd. 5. Lot Standards.**

- A. Corner lots in residential districts R-1 and R- 2 shall have at least ten (10) feet extra width and sufficient depth for establishing building setback on both streets.
- B. All lots shall have at least the minimum of twenty-five (25) feet required frontage on a public dedicated street.
- C. Side lot lines shall be substantially at right angles or radial to the street line.
- D. Double frontage or lots with frontage on two (2) parallel streets shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome topographic or other conditions which render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the rear lot line.
- E. Lots intended for commercial, industrial and multiple dwelling unit use shall be designed as such and the lot must be of adequate size to allow off-street parking, loading areas, and such other facilities as are required to satisfy the requirements of Chapter 6 City Code.
- F. Lots abutting on 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 at the level of the one hundred (100) year flood, as determined by the U. S. Army Corp. of Engineers.

**Subd. 6. Public Sites and Open Spaces.**

- A. All new subdivisions shall dedicate land for public use such as parks, playgrounds or other open space use according to the following types of subdivision:
  - 1. Residential subdivision of up to ten (10) dwelling units per gross acre - seven (7%) percent of the total gross area.
  - 2. Residential subdivision in excess of ten (10) dwelling units per gross acre - ten (10%) percent of the total gross area.
  - 3. Commercial and industrial subdivision - five (5%) percent of the gross area.
- B. The term "new subdivision" shall not apply where property lines are being surveyed for the purpose of correcting previous descriptions, situations where individuals are buying and/or selling land only to increase their yard space for individual properties or the re-subdivision of an area where a previous dedication was made.

- C. When in the judgment of the Planning Commission and ultimately the City Council, a subdivision is of insufficient size to include an area for a park or park related facilities, or the subdivision is not designated as an area for a park or park related facilities in the City's Comprehensive Plan, the owner or subdivider, in lieu of property dedication, shall be required to pay to the City a sum of money equal to the required dedication percentage. Said amount shall be determined by multiplying the total gross area by the required dedication percentage. This amount shall then be multiplied by the market value of saleable non-platted property as set from time to time by the City Council.

Payment to the City of the required open space dedication, whether in dedicated property or monies, shall be accomplished by the property owner or subdivider at the time of the final platting. Where money in lieu of land is to be paid to the City, such monies may be paid in a manner established by the City Council. In no case shall the final plat be signed or a building permit issued for any lot within the subdivision until such transfer of property or payment in lieu of property has been completed. Any monies paid to the City shall be placed in a designated fund to be used for the acquisition of land for parks and park facilities and/or the continued development of the City's current parks, trails and facilities as determined by the City Council.

**Subd. 7. Trunk Area Charges.** All unplatted land shall pay a water and sanitary sewer area charge set forth by an annual fee determined by the City Council.

## **SECTION 5.080 BASIC IMPROVEMENTS REQUIRED**

### **Subd. 1. General.**

- A. Before a final plat is approved by the Council, the owner and subdivider of the land covered by the said plat shall execute and submit to the Council an agreement which shall be binding on his or their heirs, personal representatives and assigns, that he will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for such construction until all improvements required under this chapter have been made or arranged for in the manner following as respects the streets to which the lots sought to be constructed have access.
- B. Said agreement shall provide that all of the required improvements will be made in accordance with standards established by the City Engineer, and shall include adequate provisions in the form of escrow deposits or other form of deposit acceptable to the City Council; to insure that all improvements accomplished by the subdivider will comply with such standards.
- C. Said agreement shall provide that the subdivider shall make an advance payment to the City of a percentage of the estimated total costs of those improvements which are to be accomplished by the City, the amount of such advance payment shall be determined by the City Council, terms for payment of the balance of the total cost shall be provided in the agreement.

- D. Approval of the final plat and agreement of the City Council shall be contingent on the deposit of those sums to the City required by the agreement. No signatures indicating the City's approval of the plat will be affixed to the plat until such sums have been deposited with the City Clerk.
- E. Before the subdivider makes any sale, conveyance or assignment of any lot or parcel in the subdivision, the City Clerk shall have on file a notarized copy of a concurrence document wherein the subsequent owner acknowledges that he has seen and accepted the basic improvements agreement and that he agrees to such improvements and the assessment of their cost. Said concurrence document shall be attached to and made a part of the subdivision basic improvements agreement made between the subdivider and the City.

**Subd. 2. Sanitary and Storm Drains.**

- A. Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the City sewer system is available at the boundary of the subdivision.
- B. Storm drains and sump pump lines shall be constructed to serve all properties in the subdivision.
- C. Both storm drain and sanitary sewer shall be installed by the City after City Council approval of a petition for the same by the owner. The cost shall be assessed against all lots in the subdivision according City Code.

**Subd. 3. Water Supply.**

- A. Where a connection to the City water system is presently available at the boundary of the subdivision, water distribution facilities, including fire hydrants, shall be installed to serve all properties within the Subdivision.
- B. Water mains shall be installed by the City after City Council approval of a petition for the same by the owner. The cost shall be assessed against all lots in the subdivision according to City Code.

**Subd. 4. Street Improvements.** Right-of-way grading, base preparation, curb and gutter, pavement and sidewalks, covering all streets in the subdivision shall be installed by the City after City Council approval of a petition for the same by the owner. The cost shall be assessed against all lots in the subdivision according City Code.

**Subd. 5. Street Trees.**

- A. If property owner desires and if space permits, a minimum of two trees shall be planted on each lot within the defined boulevard. For corner lots, a minimum of four

trees (two on each street side) shall be planted on each lot. Trees shall be planted a minimum distance of twenty-five (25) feet apart.

- B. No trees shall be planted within any utility easement.
- C. Trees shall not be planted within thirty (30) feet of street intersections.
- D. Trees will be a minimum size of one and one-quarter (1 1/4) inches to two (2) inches in diameter. Tree diameter is measured six (6) inches above ground level.
- E. Trees shall not be planted within three (3) feet of any private utility hook-ups, utility mains or services lines, and concrete drives or walks.
- F. Property owners will be responsible for the care of the trees.
- G. Trees used for street planting must be compatible with the local landscape conditions and not presently under disease epidemic. Prohibited tree species include all conifer, evergreen, poplar, box elder, elm, silver maple, fruit bearing trees and any others designed by the City.

**Subd. 6. Private Utilities.** All electrical distribution systems, natural gas distribution systems, telephone transmission systems and community cable television systems serving subdivisions which are platted pursuant to the provisions of this chapter shall be installed.

## **SECTION 5.090 VARIANCES**

### **Subd. 1. General Conditions.**

- A. The Planning Commission may recommend to the Council a variance from the provisions of section 5.070 of this chapter when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Council shall take into account the nature of the proposed use of land, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Council finds:
  - 1. That there are special circumstances or conditions affecting said property such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
  - 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
  - 3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

4. That strict application of the subdivision regulations would create an undue hardship on a property owner as opposed to a mere inconvenience.
- B. Recommendations of variances to the Council shall list findings of fact and reasons substantiating the finds of fact.

### **SECTION 5.100 CONFORMANCE WITH ZONING ORDINANCE**

Final approval of any plat or registered land surveys under the provisions of this chapter shall not relieve the developer or property owner of any obligation to meet all requirements contained in the City's Zoning Ordinance and any other relevant portions of the City Code. In the event that the Code contains one or more provisions in which one provision conflicts with one or more other provisions the provision which is more restrictive, shall apply.

### **SECTION 5.500 EXTENSION OF SUBDIVISION REGULATIONS**

The City of Eagle Lake, as enabled by Minnesota Statutes Section 462.358, Subdivision 1a, hereby extends the subdivision regulations of this chapter to unincorporated territory located within two (2) miles of the Eagle Lake City limits.

### **SECTION 5.600 FEES**

The preliminary and final plat shall be accompanied by a fee established by resolution of the City Council of the City of Eagle Lake and be included in the "City Fee Schedule".

### **SECTION 5.700 MINOR SUBDIVISION**

**Subd. 1. Short Title.** This ordinance shall be known as the "MINOR SUBDIVISION ORDINANCE OF THE CITY OF EAGLE LAKE", and will be referred to herein as "this ordinance".

**Subd. 2. Purpose.** In order to safeguard the best interest of the City of Eagle Lake and to assist the subdivider in harmonizing interests with those of the City, the following Ordinance is adopted so that the adherence to same will bring results beneficial to both parties. It is the purpose of this Ordinance to make certain regulations and requirements for the platting of land within the City of Eagle Lake pursuant to the authority for the health, safety, and general welfare of this community.

**Subd.3. Approvals Necessary for Acceptance of Minor Subdivision Plats.** Before any plat shall be recorded or have any validity, it shall be referred to the City Planning Commission and approved by the City Council of Eagle Lake as having fulfilled the requirements of this Ordinance.

**Subd.4. Conditions for Recording.** No plat of any minor subdivision shall be entitled to be recorded in the Blue Earth Recorder’s Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

**Subd. 5. Building Permits.** No building permits shall be issued by the City of Eagle Lake for the construction of any building, structure, or improvement to the land or to any lot in a minor subdivision as defined herein, until all requirements of this Ordinance have been fully complied with.

**Subd. 6. Qualifications.** This section applies to the following applications:

- A. In the case of a request to divide a portion of a lot where the division is to permit the adding of parcel of land to an abutting lot so that no additional lots are created and both new lots conform to Zoning Ordinance lot size minimum standards.
- B. In the case of a request to combine up to three (3) existing platted lots.
- C. In the case of a request to divide a lot from a larger tract of land and thereby creating no more than three (3) lots, both of which conform to Zoning Ordinance lot size minimum standard.
- D. In a case of a request to divide base lot which is a part of a recorded plat on which has been constructed a two-family dwelling, or townhouse, where the division is to permit individual private ownership or a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of the Zoning Ordinance or the State Building Code.

**Subd. 7. Content and Data Requirements.**

- A. Certificate of Survey: The requested minor subdivision shall be prepared by a registered land surveyor in the form of a Certificate of Survey.
- B. Property Description and Submission Information: The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as described in this Chapter. Exceptions, as stipulated in writing, may be granted by the City Administrator.
- C. Design Standards: The minor subdivision shall conform to all design standards as specified in this Chapter. Any proposed deviation from said standards shall require the processing of a variance request.



are satisfied and the division is accomplished by a maximum of two straight lines. Such Simple Lot Divisions shall be completed once on said lot and shall include a certified survey drawing to ensure that all setbacks, width, square footage and all other requirements of Chapter 6 are being met. (07-07-2014)