

# CITY OF GLYNDON MINNESOTA

## SUBDIVISION ORDINANCE #184

**EFFECTIVE DATE: January 30, 2017**

<b>Subject</b>	<b>Chapter</b>
General Provisions	1
Rules and Definitions	2
Subdivision Application & Review Process	3
Plat and Data Requirements	4
Subdivision Design Standards	5
Subdivision Development Agreements And Improvement Procedures	6
Administration and Enforcement	7

## Chapter 1 GENERAL PROVISIONS

### SECTION:

- 1-1-1: Title
- 1-1-2: Purpose
- 1-1-3: Policy
- 1-1-4: Jurisdiction
- 1-1-5: Interpretation
- 1-1-6: Existing Law
- 1-1-7: Separability
- 1-1-8: Repeal of Conflicting Ordinances
- 1-1-9: Relation to the Comprehensive Plan
- 1-1-10: Authority
- 1-1-11: Public Purpose

### **1-1-1: TITLE:**

These regulations shall officially be known, cited, and referenced to as the *Subdivision Regulations of the City of Glyndon, Minnesota*. (Ord.181, 6-22-2016)

### **1-1-2: PURPOSE:**

These regulations are adopted for the following purposes:

- A.** To protect and provide for the public health, safety, and general welfare of the City.
- B.** To guide the future growth and development of the City in accordance with the Comprehensive Plan.
- C.** To encourage the orderly and beneficial development of the City through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas, and areas premature for development.
- D.** To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

- E.** To ensure that public facilities and services are available concurrent with development and will have sufficient capacity to serve the proposed development and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services. The developer may be required 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.
- F.** To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- G.** To provide for open spaces through the most efficient design and layout of the land.
- H.** To ensure that land is only subdivided when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest.
- I.** To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.
- J.** To secure equitable action regarding all subdivision plans by providing uniform procedures, policies, and standards.

**1-1-3: POLICY:**

- A.** It is the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the Comprehensive Plan of the City for the orderly, planned, efficient, and economical development of the City.
- B.** 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, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities and improvements.
- C.** The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, and the capital budget and program of the City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the Zoning Ordinance, the Comprehensive Plan, Land Use Plan, and the capital budget of the City.
- D.** Land that has been subdivided prior to the effective date of this Ordinance should, whenever possible, be brought into conformity with these regulations to further the purposes of this Ordinance as set forth in Chapter 1, Section 2. (Ord.181, 6-22-2016)

#### **1-1-4: JURISDICTION**

- A.** The regulations governing plats and subdivision of land contained herein will apply within the boundaries of the City and within all unincorporated areas within the City's orderly annexation area as defined by the Comprehensive Plan and as permitted by Minnesota Statutes Annotated Section 462.358. In the event of overlapping jurisdiction within the prescribed area, the extent of overlapping jurisdiction will be determined and agreed upon between the City and the other municipality or municipalities concerned. This Ordinance is not intended to repeal, annul, or in any way impair or interfere with restrictive covenants running with the land except those specifically repealed by, or in conflict with, this Ordinance.
- B.** No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Planning Commission in accordance with these regulations.
- C.** No land described in this Section shall be subdivided or developed until each of the following conditions has occurred in accordance with these regulations:

  - 1.** The subdivider or his agent has submitted a conforming sketch plan of the subdivision to the Clerk/Treasurer for the Planning Commission;
  - 2.** The subdivider or his agent has obtained approval of the sketch plan, a preliminary plat when required, and a final plat from the Planning Commission and the City Council;
  - 3.** The subdivider or his agent files the approved plats with the Clay County Recorder. (Ord.181, 6-22-2016)

#### **1-1-5: INTERPRETATION:**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare, and to implement the Comprehensive Plan. (Ord.181, 6-22-2016)

#### **1-1-6: EXISTING LAW:**

Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or impose the higher standards or requirements shall prevail. (Ord.181, 6-22-2016)

#### **1-1-7: SEPARABILITY:**

Should any section or provision of this Ordinance or the application of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity

of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid. (Ord.181, 6-22-2016)

**1-1-8: REPEAL OF CONFLICTING ORDINANCES:**

All ordinances or parts of ordinances in conflict with this Subdivision Regulation, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective upon its adoption and 30 days after publication by the Glyndon City Council. (Ord.181, 6-22-2016)

**1-1-9: RELATION TO THE COMPREHENSIVE PLAN:**

Enforcement, amendment, and administration of this Ordinance will be accomplished with due consideration of the recommendations contained in the Comprehensive Plan for the City of Glyndon, Minnesota, as adopted and periodically amended by the Planning Commission and City Council. The City Council recognizes the Comprehensive Plan as the principle guidance for regulating land use and development in accordance with the policies and purpose set forth in this Ordinance. (Ord.181, 6-22-2016)

**1-1-10: AUTHORITY:**

The Planning Commission of the City is vested with the authority to review, approve, conditionally approve and disapprove applications for the subdivision of land, including sketch plans, preliminary plats, and final plats. The Planning Commission may grant variances from these regulations pursuant to the provisions of Chapter 7, Section 6 of this Ordinance. (Ord.181, 6-22-2016)

**1-1-11: PUBLIC PURPOSE:**

Regulating the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the health, safety, and general welfare of the future lot owners within the subdivisions and of the community at large. (Ord.181, 6-22-2016)

## Chapter 2 RULES AND DEFINITIONS

### SECTION:

- 1-2-1: Rules
- 1-2-2: Definitions

### 1-2-1: RULES:

For the purpose of this Ordinance, certain words and terms used herein shall be interpreted as follows:

- A. The word “person” includes an owner or representative of the owner, firm, association organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense, the singular includes the plural, and the plural includes the singular.
- C. The word “shall” is mandatory; the word “may” is permissive. (Ord.181, 6-22-2016)

### 1-2-2: DEFINITIONS:

Wherever the following words and terms occur in this Ordinance they shall be interpreted as herein defined:

**Alley:** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

**Applicant:** The owner, their agent or person having legal control, ownership and/or interest in land proposed to be subdivided.

**Attorney:** The attorney employed or retained by the City unless otherwise stated.

**BWSR:** The State of Minnesota Board of Water and Soil Resources or its successor.

**Bikeway:** A public right-of-way or easement across a block or within a block to provide access for bicyclists and in which a path or trail is installed.

**Block:** An area of land within a subdivision that is bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, drainage ditches, or boundary lines of municipalities.

**Boulevard:** The portion of the street right-of-way between the curb line and the property line.

**Building:** Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

**Building Code:** The building code adopted by the State of Minnesota.

**Building Official:** Representatives of the City who have been appointed by the City Council and/or assigned the responsibility of enforcing provisions of this Ordinance. Also referred to as Zoning Official.

**Certificate of Survey:** A document prepared by a registered land surveyor which precisely describes area, dimensions, and location of a parcel of land.

**City:** City of Glyndon.

**City Council:** City Council of Glyndon, Minnesota.

**Common Open Space:** Any open space including private parks, nature areas, playgrounds, trails, and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

**Comprehensive Plan:** Unless otherwise stated, it is the general plan for land use, housing, transportation, and community facilities; prepared and maintained by the City Council for the municipality.

**Contour Map:** A map on which irregularities of land surface are shown by lines connecting points of equal elevation. "Contour Interval" will mean the vertical height between contour lines.

**Copy:** A print or reproduction made from an original.

**County:** Clay County, Minnesota.

**Design Standards:** Specifications that applicants proposing to subdivide land must follow when preparing plats, both preliminary and final, indicating among other things, the optimum, minimum, or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

**Development:** The act of building structures and installing site improvements.

**Drainage Course:** A watercourse or swale for the drainage of surface water.

**Dwelling:** A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, motels or boarding houses.

**Dwelling, Multiple-Family:** A residence designed for or occupied by two (2) or more families living independently of each other, with separate housekeeping and cooking facilities for each unit. A two family dwelling (duplex) with a rooming unit(s) shall be considered and classified as a multi-family dwelling.

**Dwelling, Single-Family:** A residence designed for or occupied by one family only.

**Dwelling, Two-Family:** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each, this would include single-family homes with an apartment in the basement.

**Dwelling Unit:** A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

**Dwelling Unit, Efficiency:** Any one-room unit having cooking facilities and used for combined living, dining, and sleeping purposes.

**Easement:** A grant by an owner of land for a specific use by persons other than the owner.

**Engineer of City or City Engineer:** The registered engineer employed or retained by the City, unless otherwise stated.

**Final Plat:** A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Clay County for the purpose of recording.

**Flood Related:**

1. **Equal Degree of Encroachment:** Method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.
2. **FEMA:** Federal Emergency Management Agency.
3. **Flood:** A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
4. **Flood Frequency:** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equally or exceeded.
5. **Flood Fringe:** That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City.

- 6. Flood Hazard Areas:** The areas included in the floodway and flood fringe as indicated on the official Zoning Map and the Flood Insurance Study and Flood Insurance Rate Map which have been officially adopted by the City.
- 7. Flood Insurance Rate Map:** The Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City.
- 8. Flood Insurance Study:** The Flood Insurance Study prepared for the City by the Federal Emergency Management Agency and dated March 16, 1981, and, as applicable and allowed by law, the most recent Flood Insurance Study prepared by the Federal Emergency Management Agency for the County of Clay.
- 9. Flood Plain:** The areas adjoining a watercourse which has been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
- 10. Flood Proofing:** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.
- 11. Floodway:** The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
- 12. Obstruction:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse of regulatory flood hazard area which might impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- 13. 100-Year Flood:** A flood which is representative of large regional flood known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
- 14. Reach:** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by the natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- 15. Regulatory Flood Projection Elevation:** A point not less than one foot above the water surface profile associated with the 100-year flood as determined by the use of the 100-

year flood profile and supporting technical data from the Flood Insurance Study plus any increase in flood height attributed to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

**Floor Area, Gross:** The sum of the gross horizontal areas of all the floors of a building utilized for principal and accessory uses.

**Governing Body:** The Glyndon City Council.

**Impervious Surface:** An artificial or natural surface through which water, air or roots cannot penetrate.

**Key Map:** A scale map which definitively shows the area proposed to be platted in relation to known geographical features (e.g., town center, streets).

**Landscaping:** Planting, such as trees, flowers, grass, shrubs, and may include the reshaping of the land by moving earth or other physical improvements.

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

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

**Lot, Base:** Lots meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling.

**Lot, Corner:** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding (135°) degrees.

**Lot Coverage:** Determined by dividing that area of a lot that is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of the lot.

**Lot Depth:** Lot depth shall be considered to be the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

**Lot Front:** The front of a lot shall be considered to be that boundary abutting a public right-of-way having the least width. In a through lot where the lot abuts a limited access street, the front of the lot will be on the street opposite from the limited access street.

**Lot Improvement:** Any building, structure, place, work of art or other object, or improvement of the land on which it is situated, a physical betterment of real property, or any part of such betterment.

**Lot Line:** A property boundary line of any lot except that where any portion of the lot extends into the abutting street or alley. The lot line shall be deemed to be the street or alley right-of-way.

**Lot Line, Front:** That boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the Zoning Official.

**Lot Line, Rear:** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be a line of ten feet (10') in length within the lot, parallel to, and at the maximum distance from the front lot line.

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

**Lot of Record:** Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an auditor's outlot or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditor's subdivision or registered land survey has been recorded in the Office of the Register of Deeds or Registrar of Ordinances for Clay County, Minnesota, prior to the effective date of this Ordinance.

**Lot, Substandard:** A lot or parcel of land for which a deed has been recorded in the Office of the Clay County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

**Lot Types:**

1. **Corner Lot:** A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of less than (135°) degrees with each other.
2. **Double Frontage or Through Lot:** A lot other than a corner lot with frontage on more than one street other than an alley.
3. **Interior Lot:** A lot other than a corner lot with only one frontage on a street other than an alley.
4. **Reversed Frontage Lot:** A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may be a corner lot or an interior lot.

**Lot Unit:** Lots created from the subdivisions of a two-family dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.

**Lot Width:** The distance between the side lot lines, measured along the setback line as established by this Ordinance, or if no setback line is established, the distance between the side lot lines along the measure street line.

**Metes and Bounds Description:** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by describing lines or portions thereof.

**Natural Waterway:** A natural passageway on the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

**Open Space:** Any open area not covered by structures, but not limited to the following uses: required or established yard areas, parking areas, sidewalks, trails, recreation areas, water bodies, shore lands, watercourses, wetlands, groundwater recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland and soils with severe limitation for development.

**Outlot:** A lot or parcel of real property, reserved for future building or occupancy after platting.

**Owner:** An individual, association, syndicate, partnership, corporation, trust or any other legal ownership interest in land buildings, structures, dwelling unit(s) or other property.

**Parcel:** An individual lot or tract of land.

**Parks and Playgrounds:** Public land and open space in the City dedicated or reserved for recreational purposes.

**Percentage of Grade:** Along a center line of a street, the change in vertical elevation in feet and tenths of a foot for each (100') feet of horizontal distance, expressed as a percentage.

**Performance Standards:** Criterion established for setbacks, fencing, landscaping, screening drainage, accessory buildings, outside storage; to control noise, odor, toxic or noxious matter, vibrations, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in uses of land or buildings.

**Permitted Use:** A use which may be lawfully established in a particular district, provided it conforms to all requirements, regulations and performance standards (if any) of such districts.

**Person:** Any individual or legal entity.

**Planning Commission:** The Glyndon Planning Commission.

**Preliminary Plat:** A detailed drawing or map of a proposed subdivision, meeting the requirements of this Ordinance and in compliance with the Comprehensive Plan, submitted to the Planning Commission and governing body for their consideration.

**Private Street:** A street serving as vehicular access to (2) or more parcels of land which is not dedicated to the public and is owned by one or more private parties.

**Protective Covenants:** Contracts entered into between owners and holders of mortgages constituting a restriction on the use of property within a subdivision for the benefit of the property owners.

**Public:** Pertaining to municipal, school district, county, state or other governmental units.

**Public Improvement:** Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian facilities (dedicated rights-of-way for such use), tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is established.

**Public Uses:** Uses owned or operated by municipal, school districts, county, state or other governmental units.

**Public Waters:** Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes 1974, Section 105.37, subdivision 6, not including however, a lake, pond, or flowage of less than ten (10) acres in size or a river stream having a total drainage area less than two (2) square miles. In addition, bodies of water created by private users, where there was not previous shore land (for a designated private use authorized by the Commissioner of Natural Resources) shall also not be considered public waters. The official determination of the size and physical limits of the drainage areas of rivers and streams shall be made by the Commissioner of Natural Resources. The official size of lakes, ponds, or flowage shall be the area listed in the Division of Waters, Soils and Minerals Bulletin 25, "An Inventory of Minnesota Lakes", or in the event that lakes, ponds, or flowage are not listed therein, official determination of size and physical limits shall be made by the Commissioner in cooperation with the City of Glyndon.

**Restrictive Covenants:** Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of property value and economic integrity of any given area.

**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, shade trees, 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, shade trees, 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.

**Setback:** The minimum horizontal distance between a structure and the property line nearest thereto. The city boulevard is not part of the required setback. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided herein after.

**Sketch Plan:** A conceptual plan to facilitate discussion between the applicant and the City staff regarding a proposed subdivision. The sketch plan may show the proposed layout of streets, lots, proposed playgrounds and parks, the 100-year flood contour line, zoning, approximate lot sized, and as much relevant information as possible.

**State:** The State of Minnesota.

**Street:** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated to the public for public use and which affords principal means of access to abutting property.

**Street Line:** The right-of-way line of a street.

**Street Pavement:** The wearing or exposed surface of a street or roadway used by vehicular traffic.

**Street Width:** The shortest distance between the curb lines of a street.

**Streets, Arterial:** Those streets carrying larger volumes of traffic and serving as links between various sub-areas of the City. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

**Streets, Collector:** Those streets which carry traffic from local streets to the major system of arterials and highways. Collector streets primarily provide principal access to residential neighborhoods, including to a lesser degree, direct land access.

**Streets, Cul-De-Sac:** A local street with only one outlet and having an appropriate terminal or terminals for the safe and convenient reversal of traffic movement.

**Streets, Local:** A road or street whose primary function is to provide direct access to residential land uses and is a two (2) lane road with parking permitted within the roadway. Designation is based upon the zoning of the property abutting the right-of-way. In cases where right-of-way abuts two (2) different zoning classifications the greater width will apply.

**Streets, Marginal Access (Frontage Road):** Those local streets which are parallel and adjacent to high volume arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

**Structure:** Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, structures including buildings, manufactured homes, walls, fences, towers, antennas, swimming pools, billboards and poster panels.

**Subdividing:** The process of dividing land.

**Subdivision:** The dividing of an area, parcel, or tract of land into two (2) 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. This term includes resubdivision and where appropriate to the context, will relate to the process of subdividing or to the land subdivided. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land zoned residential or non-residential, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion. Subdivision will apply as outlined herein except for these separations:

- A. Creating cemetery lots; and
- B. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

**Subdivision, Administrative:** A boundary adjustment relocating a property line between adjoining parcels provided the subdivision does not create a new tax parcel and each parcel retains sufficient lot size required by the Zoning Ordinance; or a split of an existing platted lot to accommodate the separate ownership of each unit in a single-family attached dwelling, provided the subdivision does not increase the density beyond the maximum number of units allowed for that parcel by the Zoning Ordinance or a Developer's Agreement approved by the City Council; or a combination of two (2) or more contiguous tax parcels into one parcel or record. Administrative subdivisions may be exempted from the platting requirements of the City Subdivision Ordinance.

**Subdivision, Major:** A subdivision which does not qualify as administrative or minor is subject to the platting requirements of the City Subdivision Ordinance.

**Subdivision, Minor:** A subdivision containing not more than four (4) lots; not involving the need for public improvements; not in violation of the Zoning Ordinance or other applicable state and local ordinances; any other subdivision of property which is not defined as an administrative subdivision by this Ordinance. Minor subdivisions may be exempted from the platting requirements of this Ordinance.

**Surveyor:** A land surveyor registered under Minnesota State laws.

**Tracing:** A plat or map drawn on transparent paper, film, or cloth which can be reproduced by using regular reproduction procedure.

**Usable Open Space:** A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

**Use:** The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.

**Variance:** A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for area, size of structure, size of yards, setback and side yard requirements, and parking requirements; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

**Watershed:** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

**Wetlands:** An area where water stands near, at or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominately aquatic form of vegetation, and which may have the following characteristics:

1. Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1,2,3,4,6,7 and 8 described by the United States Fish and Wildlife Services, Circular 39, "Wetlands of the U.S. 1956").
2. Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and muck).
3. Soil which is water logged or covered with water at least three (3) months of the year. Swamps, bogs, marshes, potholes, wet meadows and sloughs are wetlands, and such property, may be shallow waterbodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage, but would require drainage to be

made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**Zoning Map:** The map or maps incorporated into the Zoning Ordinance as part thereof, designating the zoning districts.

**Zoning Official:** The duly appointed officer charged with the administration and enforcement of this Ordinance.

**Zoning Ordinance:** The Zoning Ordinance of the City of Glyndon. (Ord.181, 6-22-2016)

## **Chapter 3**

### **SUBDIVISION APPLICATION AND REVIEW PROCESS**

#### **SECTION:**

- 1-3-1: General Procedure
- 1-3-2: Official Submission Dates
- 1-3-3: Discussion of Requirements and Sketch Plan
- 1-3-4: Minor Subdivision
- 1-3-5: Preliminary Plat
- 1-3-6: Final Plat
- 1-3-7: Approval of Preliminary and Final Plat Simultaneously

#### **1-3-1: GENERAL PROCEDURE:**

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:

##### **A. Minor and Administrative Subdivision:**

1. File a written request and completed City application form with the Zoning Official, accompanied by a fee and the proposed legal descriptions. You must supply proof, satisfactory to the City, of title and the legal description of the property for which the Minor or Administrative Subdivision is requested. The City may request additional information necessary for a proper review.
2. After receiving your written request and required information, the Zoning Official will determine if the proposed subdivision is consistent with the requirements of Section 12-3-3 of this Ordinance for Administrative Subdivisions. If so, the Zoning Official will provide the applicant a Certificate of Subdivision Approval authorizing the recording of the subdivision with the County Recorder.
3. If the Zoning Official determines that the proposed subdivision will require approval of a Minor Subdivision as defined by Section 12-3-3 of this Ordinance or found to be in the City's best interest, City staff will place the item on the next available City Council Agenda.
4. The City Council may decide to approve the Minor Subdivision by resolution upon a majority vote of the quorum of the City Council. If approved by City Council, the Zoning Official will provide the applicant a Certificate of Subdivision Approval authorizing the recording of the subdivision with the County Recorder.

**B. Major Subdivision:**

1. Sketch Plan.
2. Preliminary Plat.
3. Final Subdivision Plat. (Ord.181, 6-22-2016)

**1-3-2: OFFICIAL SUBMISSION DATES:**

For the purpose of these regulations, for both minor and major subdivisions, the date at which all materials, forms, and payment are received by the City for either a preliminary or final plat shall constitute the official submission date of the plat. The City has sixty (60) days to determine formal approval, conditional approval, or disapproval of the preliminary plat; the City has sixty (60) days to determine formal approval, conditional approval, or disapproval of the final subdivision plat. (Ord.181, 6-22-2016)

**1-3-3: MINOR OR ADMINISTRATIVE SUBDIVISION:**

When in the best interest of the City and with cases of administrative or minor subdivisions, the platting procedures of this Ordinance may be waived. A letter, proper City application, and legal description must be submitted to the City for minor and administrative subdivisions prior to being placed on the Planning Commission or City Council Agenda.

**A. Minor or Administrative Subdivision:** Minor and Administrative Subdivisions may be exempt from platting requirement of this Ordinance provided they are in accordance with all of the following:

1. There is no need for public improvements as a result of the subdivision;
2. The subdivision does not violate any provision of the Zoning Ordinance, Comprehensive Plan, or any other State or City Ordinance;
3. The subdivision does not adversely affect public health, safety and general welfare;
4. The subdivision is not part of a continuing theme of lot splitting for a particular area;
5. Any platted lot may be split up to four (4) times through minor subdivision;
6. A completed City of Glyndon application form, legal description of the proposed parcels, drawing of the existing and proposed parcels, setback of existing structures to the proposed property lines, and an explanation of the any encroachments are provided to the Zoning Official.

**B. Administrative Subdivision:** The Zoning Official may waive the platting requirement and administratively approve a subdivision that complies with subsections A1 through A6 of this section, and in the following instances:

1. A boundary adjustment relocating a property line between adjoining parcels provided the subdivision does not create a new tax parcel and each parcel retains sufficient lot size required by the Zoning Ordinance.
2. A split of an existing platted lot to accommodate the separate ownership of each unit in a single-family attached dwelling unit, provided the subdivision does not increase the density beyond the maximum number of units allowed for that parcel by the Zoning Ordinance or a Developer's Agreement approved by the City Council.
3. A combination of two (2) or more contiguous tax parcels into one parcel of record.

**C. Minor Subdivisions:** The City Council (with or without Planning Commission recommendation) may waive the platting requirement and approve by resolution a minor subdivision that complies with subsections A1 through A6 of this section, and in the following instances:

1. A subdivision, other than a division of a single-family attached dwelling, which contains not more than four (4) splits.
2. A subdivision by metes and bounds description which would not increase the density of a tax parcel beyond what is allowed by its zoning classification.
3. Any other subdivision of property by metes and bounds description which is not defined as an administrative subdivision. (Ord.181, 6-22-16)

#### **1-3-4: DISCUSSION OF REQUIREMENTS AND SKETCH PLAN:**

**A. Discussion of Requirements:**

Before preparing a preliminary plat of any development, the developer is requested to discuss with the Zoning Official the procedure for authorization of the development.

**B. Sketch Plan Submission:**

Prior to the submission of an application for preliminary plat of a subdivision, the developer shall submit to the Zoning Official a sketch plan of the development.

**C. Sketch Plan Review:**

Upon receipt of the sketch plan, the City shall review the sketch plan for conformity with the zoning regulations and site characteristics for development suitability. The City shall evaluate the site characteristics and limitations, if any, of the proposed site of the development. Following the sketch plan review, the City shall, within thirty (30) days, respond to the developer in writing and advise the developer of any stipulations or conditions that are required in the layout or characteristics of the development proposal.

The developer shall certify in writing that he/she agrees to all requirements of these regulations together with any additional requirements or conditions as stipulated in the City's review. (Ord.181, 6-22-16)

### **1-3-5: PRELIMINARY PLAT:**

#### **A. Submittal to the Planning Commission:**

- 1. Application Requirements:** After the pre-application meeting and sketch plan review, the preliminary plat shall be submitted to the Zoning Official with a request for approval of the preliminary plat. The applicant must submit eight (8) large size copies in a scale no smaller than one inch equals one hundred feet (1" = 100'), and one reduced scale (8½ X 11) copy of a preliminary plat and pay the appropriate filing fee as established by the City Council. The Zoning Official shall send one copy of each of the maps and data submitted with the application to relevant City staff. All comments from City staff will be given to the Planning Commission within fourteen (14) days. (Ord.181, 6-22-16; Ord.166, 1-13-16)
- 2. Official Application:** At this time, the applicant must also submit any requests for zoning, re-zoning or for variances that may be necessary to accommodate the proposed plat. The application for preliminary plat approval may be rejected if it is judged by the Zoning Official to be incomplete according to Section 1-4-2 of this Ordinance. The plat will be considered officially submitted when all of the information requirements are complied with, the appropriate review fee(s) paid, and official City application filed. If no action has been taken on the application by the Zoning Official within thirty (30) days of submittal, the application will be forwarded to the Planning Commission for action.
- 3. Review by Other Entities:** The City may refer copies of the preliminary plat to County, State, township, or other municipal jurisdictions, as well as utility companies, for review and comments, where appropriate and when required.
- 4. Public Hearing:** Upon receipt of the completed application, the Zoning Official will schedule a Public Hearing for the purpose of public review of the preliminary plat by the planning commission. The Public Hearing will be held within forty five (45) days of the date of filing of the completed application. Notice of the Public Hearing must appear in the official newspaper at least ten (10) days prior to the hearing and must, at a minimum, consist of a legal description of the property and a description of the request.
- 5. Planning Commission Action:** The Planning Commission will report its findings and make its recommendation to the City Council no later than forty (40) days after the close of the Public Hearing described in subsection A4 of this section. After consideration of all of the information relevant to the request, the Planning Commission may recommend approval, conditionally approval, or to reject the request. Upon the determination of its recommendation, the Planning Commission shall

embrace the same with a motion which shall include: reasons for granting approval; all conditions required for approval, or conditions upon which approval will be granted; or reasons for rejection of the preliminary plat. The subdivider shall be notified of the action together with any conditions of approval or reasons for approval or rejection. If the Planning Commission does not act upon the request within forty-five (45) days following the Public Hearing, the City Council may act upon the request without the Planning Commission's recommendation.

**B. Submittal to City Council:**

**City Council Action:** Following the action of the Planning Commission, the preliminary plat and motion of the Planning Commission will be presented to the City Council for review and appropriate action. The Council will approve or disapprove the preliminary plat within sixty (60) days following the receipt of the completed application. Upon final decision by the City Council, it shall state its decision in a motion.

- 1. Preliminary Plat Approval:** The City Council may adopt the motion of the Planning Commission by reference. Upon decision of the City Council, the Zoning Official shall transmit a copy of the motion or notice of adoption without change to the subdivider. Approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval. Approval of the preliminary plat shall not constitute an acceptance of the final plat, but shall be deemed an authorization to proceed with preparation of the final plat.
- 2. Non-Approval of the Preliminary Plat:** If the preliminary plat is not approved by the City Council, the reasons for such action must be recorded in the proceedings of the Council and must be transmitted to the applicant. The Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat as it deems necessary to protect the health, safety, and general welfare, convenience of the City.
- 3. Referral of Preliminary Plat:** The City Council shall have the authority to refer the preliminary plat to the Planning Commission for further study. Referral of the preliminary plat to the Planning Commission for further study shall not constitute final action by the City Council. The Planning Commission shall return a report to the City Council no later than thirty (30) days following the meeting at which it was referred.
- 4. Preliminary Plat Approval:** Approval of the preliminary plat does not guarantee approval of the final plat; rather, it will be considered an expression of approval of the layout submitted on the preliminary plat and as a guide for preparation of the final plat. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at the time, provide that such portion must conform to all requirements of this Ordinance. (Ord.181, 6-22-2016)

## **1-3-6: FINAL PLAT:**

### **A. Submittal to the Planning Commission:**

- 1. Application Requirements:** After the preliminary plat has been approved, a final plat shall be submitted to the Zoning Official with a request for final plat. This step must take place within one (1) year from the date of the preliminary plat approval or the process restarts. The final plat, which must be prepared by a certified land surveyor, will incorporate all corrections, modifications, and revisions required by the City, other agencies, and affected utility companies, and conform to the approved preliminary plat. The applicant must submit eight (8) large size copies in a scale no smaller than one inch equals one hundred (1" = 100') feet, and one reduced scale (8.5 x 11) copy of a preliminary plat and supportive information, and pay the appropriate filing fees as established by the City Council. All plats must comply with the provision of the Minnesota Statutes, Clay County requirements and of this Ordinance. (Ord.181, 6-22-2016; Ord.166, 1-13-2016)
- 2. Zoning Official Review:** The Zoning Official shall review the final plat and prepare a report stating whether the final plat is in substantial agreement with the City's Ordinances, State Statutes, and all of the conditions attached to the approval of the preliminary plat and, if not, in which particulars there is disagreement.
- 3. Public Hearing:** Upon request of the Planning Commission or the City Council, the Zoning Official may schedule a Public Hearing for the purpose of public review of the final plat. If requested by the Planning Commission or the City Council, the Public Hearing will be held within forty (40) days of the date of filing of the completed application. The applicant and/or their representative(s) must appear at the Public Hearing. Notice of the Public Hearing must appear in the official newspaper at least ten (10) days prior to the hearing and must, at a minimum, consist of a legal description of the property and a description of the request. The City may refer copies of the final plat to other affected County, State, or local jurisdictions, utilities, or other agencies for their review and comment, where appropriate and when required.
- 4. Planning Commission Action:** Within no more than ten (10) days after the requested Public Hearing, the Planning Commission will report its findings and make its recommendations to the City Council. Upon the determination of its recommendation, the Planning Commission shall embrace the same with a motion which shall include: reasons for granting approval, or reasons for rejection of the final plat. The subdivider shall be notified of the action together with reasons for approval or rejection.

If approved, a copy of the resolution of the Planning Commission approving the final plat shall be sent to the City Council, together with the plat, and such other data as the Planning Commission shall determine necessary. If the Planning Commission approves the final plat, the Chairman shall sign the same. If the Planning Commission does not act upon the request within ten (10) days following the meeting at which the

final plat was considered, the City Council may act upon the request without the Planning Commission's recommendation.

If the Planning Commission determines that it cannot approve the final plat without certain conditions, it shall by motion set forth the conditions for approval and forthwith send a copy of such conditions to the subdivider, and all further action on the final plat shall be suspended until such time that the subdivider shall respond appropriately. If no further action is taken by the subdivider within ninety (90) days from the date of the adoption of such conditions, the plat shall be deemed to be disapproved.

5. **City Council Action:** The City Council must take action on the final plat within sixty (60) days after the City receives a completed application. Before the City Council acts on the final plat, a Developer's Agreement may be prepared and approved by the City Council.

If available, the applicant should provide a digital copy of the plat, in compliance with the Clay County GIS standards.

If the City Council is not satisfied with the final plat, it may disapprove the final plat or refer the same to the Planning Commission for further action as it shall determine. Upon such referral, the Planning Commission shall act thereon at its next regular meeting and report back to the City Council within the sixty (60) day time frame.

6. **Recording of Plat:** Upon receiving final plat approval by the City Council, the applicant or his/her agent must, within thirty (30) days, provide the Zoning Official with all necessary mylars and hardboards for signatures by the City's designated representative. After all signatures have been applied, the applicant must record the plat with the Clay County Recorder within fourteen (14) days and provide receipt of this action to the Zoning Official, or the approved final plat will be considered void.
7. **Denial of Plat:** The Planning Commission may recommend denial and the City Council may deny a subdivision if it makes any of the following findings:
  - a. **Comprehensive Plan:** The proposed subdivision is in direct conflict with adopted, applicable comprehensive plans of the City, Joint Powers Area, Townships, or County;
  - b. **Physical Characteristics:** The physical characteristics of the site, including but not limited to topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage, and retention, are such that the site is not suitable for the type of development, design, or use contemplated;
  - c. **Density:** The site is not physically suitable for the proposed density of development;

- d. **Environmental Damage:** The design of the subdivision or the proposed improvements may cause environmental damage;
- e. **Public Health Problems:** The design of the subdivision or the type of improvements is likely to cause serious public health problems;
- f. **Easements:** The design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;
- g. **Boundaries:** The proposed subdivision is outside the boundaries of the City and;
  1. The County, Township, or developer has not certified in writing that they will assume all responsibility for repair and maintenance of dedicated streets until annexed by the City; or
  2. The Township or County has not certified in writing that it has the capacity for, and will to provide, police and fire protection and on-site sewer system inspections to ensure proper installation;
- h. **Flood Hazards:** The proposed subdivision, its site, or its design adversely affects the flood carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City;
- i. **MEQB Policies:** The proposed subdivision is inconsistent with the policies of the Minnesota Environmental Quality Board, as may be amended, and could adversely impact sensitive environmental areas, or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council and/or Federal or State historic preservation laws;
- j. **Preliminary Plat Review:** The final plat does not incorporate the Council imposed conditions and restriction, or required revisions and modifications from the preliminary plat review;
- k. **Utility Installation:** The final plat does not allow for feasible installation of utilities as documented in City Engineer's report, section 1-5-17 of this Ordinance. (Ord.181, 6-22-2016)

### **1-3-7: APPROVAL OF PRELIMINARY AND FINAL PLAT SIMULTANEOUSLY:**

Where the developer has submitted all data required for both the preliminary and final plat, the Planning Commission, following a Public Hearing on said plat, may recommend to the City Council approval of both the preliminary and final plat simultaneously. Upon such recommendation the City Council may follow the above procedure as when a final plat is submitted. (Ord.181, 6-22-2016)

## Chapter 4 PLAT AND DATA REQUIREMENTS

### SECTION:

- 1-4-1: Sketch Plan
- 1-4-2: Preliminary Plat
- 1-4-3: Final Plat
- 1-4-4: Certification Required

### **1-4-1: SKETCH PLAN:**

All sketch plans shall be accompanied by general information regarding the proposed subdivision and show in simple form the proposed layout of streets, lots, and other features in relation to the existing conditions including information describing the design and character of the subdivision and data on existing topographic conditions. A typical sketch plan should show the following features:

- A.** Names of legal property owners and adjacent property owners and or applicable business names.
- B.** Legal description of area, size of the area in acres and square feet, location of the property by section, township, range, and county, graphic scale, north arrow, and date.
- C.** Locations of property lines, existing easements, burial grounds, railroad right-of-ways, watercourses, wetlands, flood hazard areas, wooded areas, and the location, width, and names of all platted streets or other public ways within or immediately adjacent to the tract.
- D.** Locations of existing sewers, water mains, culverts, and utility facilities located on or immediately adjacent to the tract.
- E.** Existing drainage patterns and preliminary provisions for collecting and discharging surface water.
- F.** The approximate location and widths of proposed streets.
- G.** Preliminary proposals for connection with existing water supply and sanitary sewer system. (Ord.181, 6-22-2016)

## **1-4-2: PRELIMINARY PLAT:**

The applicant must prepare and submit a preliminary plat, together with a cover letter, City application, and appropriate fee(s). The preliminary plat should contain the information set forth in the subsections which follow. Upon specific request, the City may exempt an applicant from the submission of data which is not considered relevant to the application; or may require other information relevant to the plat as deemed necessary:

### **A. Identification and Description:**

1. The proposed name of the subdivision; names must not duplicate or be alike in pronunciation to the name of any plat recorded in the City or begin with the wording "Replat."
2. Name of the owner(s) of record, or any having control of the land, and the land surveyor.
3. Location of boundary lines in relation to a known section, quarter section, or quarter section lines comprising a legal description of the property.
4. Graphic scale not less than one (1") inch to one hundred feet (100').
5. North point/arrow.
6. Date of preparation.

### **B. Existing Conditions:**

1. Boundary lines to include bearings and distances.
2. Location of existing rights-of-way, recorded easements, parks, and other land dedicated for public use.
3. 100-year flood elevations, the regulatory flood protection, and boundaries of floodway and flood fringe areas, if known, taking into consideration the Flood Insurance Study and Flood Insurance Rate Map.
4. Topographic data, including contours at vertical intervals of not more than one-half foot (1/2') shown on a contour/topographic map. Water courses, marshes, wetlands, wooded areas, rock outcrops, power transmission poles and lines, and other significant features also must be shown. USGS data must be used for all topographic mapping where feasible.
5. All wetland areas must be delineated and recorded on the plat as per the Minnesota Wetland Conservation Act.

**C. Proposed Subdivision Features:**

1. Layout of proposed streets showing the right-of-way widths, and proposed names of streets in conformance with City and County Street identification policies. The name of any street heretofore used in the City or its environs should not be used unless the proposed street is a logical extension of an already named street, in which event the same name should be used. Show the layout of proposed sidewalks and bikeways.
2. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, must be shown. Such proposed zoning plan will be for information only and will not vest any rights in the applicant.
3. Locations and widths of proposed alleys, pedestrian ways.
4. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, park facilities, fire hazards, and congestion of population. The City may require the applicant to have formal traffic or other studies performed to the City's satisfaction which show the effect of the proposed development on traffic, fire hazards and congestion.
5. Site(s) dedicated for parks, playgrounds or other public uses to include size of such dedications.
6. Areas, other than streets, alleys, bikeways, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
7. Grading plan which must include the proposed grading and drainage of the site, including provisions for surface water ponding and drainage; including proposed water retention areas.
8. Lot lines, lot numbers and block numbers; total square footage of each lot.
9. Lot dimensions, including square footage of each block.
10. Total acreage of proposed plat area.

**D. Supplementary Information:** Any or all of the supplementary information requirements set forth in this subsection should be submitted separately from the plat when deemed necessary by the City staff, consultants, advisory bodies and/or City Council to adequately address the application and site in question.

1. Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in accordance with the Zoning Ordinance and by use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.

2. Existing zoning classifications for land in and abutting the subdivision.
3. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
4. Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred fifty feet (150') beyond. Such data as grades and locations of catch basins, manholes, hydrants and street pavement width and type also must be shown. A written plan to seal any existing wells/sewers to come into compliance with City Ordinances must be submitted.
5. Subsurface conditions on tracts for subdivisions utilizing individual water and sewage disposal systems; location and results of tests to ascertain subsurface soil, rock and ground water conditions and availability; location and results of soil percolation tests.
6. Other conditions on the tract: isolated preservable trees one (1) foot or more in diameter, existing houses, barns, and other significant features.
7. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan must include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system. Such plans are to be in accordance with Best Management Practices (BMPs) as provided by the Minnesota Pollution Control Agency and the Board of Water and Soil Resources.
8. A statement certifying the environmental condition of the site including the presence of any hazardous substance as defined in Minnesota Statutes 115B.02, Subdivision 8. Such statement may be required to be based upon an environmental assessment of the site by an environmental engineering firm acceptable to the City.
9. An environmental assessment worksheet must be submitted if the City, City consultants, Minnesota Environmental Quality Board, or other groups or agencies determine that one is required by law.
10. All wetland areas must be delineated and recorded on the plat as per the Minnesota Wetland Conservation Act.
11. Such other information as may be required by the City. (Ord.181, 6-22-2016)

**1-4-3: FINAL PLAT:**

The applicant must submit a final plat together with the appropriate fee and any supplementary information. The final plat, prepared for recording purposes, must be prepared in accordance with provisions of Minnesota State Statutes and Clay County regulations, and such final plat must contain the following information:

**A. General Requirements:**

1. The final plat must be prepared and certified by a land surveyor who is registered in the State of Minnesota and must comply with the provisions of the law and this Ordinance.
2. Name of the subdivision, which must not duplicate or too closely approximate the name of any existing plat recorded in the County or begin with the word "Replat".
3. Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions.
4. The location of monuments must be shown and described on the final plat. Locations of such monuments must be shown in reference to existing official monuments on the nearest established street lines, including true angles, and distance to such reference points or monuments.
5. Location of lots, outlots, street rights-of-way, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground must be shown. Dimensions must be shown from all angle points of curve to plot lines.
6. Lots must be numbered clearly; blocks are to be numbered, with numbers shown clearly in the center of the block.
7. Total square footage per lot, acreage per block, and total acres in the plat, to be submitted separately from the plat.
8. The exact locations, widths, and names of all streets to be dedicated.
9. Location, purpose, and width of all easements to be dedicated.
10. Scale not less than one inch to one hundred feet (1" = 100') of plat (the scale to be shown graphically on a bar scale), date and north arrow.
11. A written statement from the County or Township submitted separately, if the subdivision lies outside the boundaries of the City and is not to be annexed, certifying the following:
  - a. The road authority, County, Township or developer, will assume all responsibility for repair and maintenance of dedicated streets until annexation to the City.
  - b. The Township or County has the capacity for and will provide police and fire protection and on-site sewer system and well inspections to insure property installations.

12. An executed copy of restrictive covenants to be submitted separately from the plat.
13. Statement dedicating all easements as follows: "Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the designated areas marked 'utility easements'".
14. Statement dedicating all streets, alleys, and other public areas not previously dedicated as follows: "Streets, alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated".
15. Legal proof of property ownership for formal chain of ownership review by City Attorney.
16. All wetland areas must be delineated and recorded on the plat as per the Minnesota Wetland Conservation Act.
17. Such other information that may be required by the City. (Ord.181, 6-22-2016)

**1-4-4: CERTIFICATION REQUIRED:**

- A. Certification by a registered land surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.
- B. Execution of all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Section 505.03, Minnesota Statutes, as amended, and which certificate must include a dedication of the utility easements and other public areas in such form as approved by the City Council.
- C. Space for certificates of approval by the Planning Commission, City Council, and City Attorney in the following form or in a substantially similar form:

(Planning Commission Certification Example on the Next Page)

Planning Commission Certification

At a regular meeting of the PLANNING COMMISSION OF THE CITY OF GLYNDON, MINNESOTA, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the plat of \_\_\_\_\_ to the City of Glyndon, Clay County, Minnesota, was duly recommended for approval to the City Council.

\_\_\_\_\_, PLANNING COMMISSION CHAIR  
City of Glyndon, Minnesota

CITY COUNCIL CERTIFICATION

At a regular meeting of the CITY COUNCIL OF THE CITY OF GLYNDON, MINNESOTA, on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, the plat of \_\_\_\_\_ to the City of Glyndon, Clay County, Minnesota, was duly approved.

\_\_\_\_\_, MAYOR  
City of Glyndon, Minnesota

CITY ATTORNEY APPROVAL

\_\_\_\_\_, CITY ATTORNEY  
City of Glyndon, Minnesota

(Ord.181, 6-22-2016)

## **Chapter 5 SUBDIVISION DESIGN STANDARDS**

### **SECTION:**

- 1-5-1: Conformity with Glyndon's Comprehensive Plan and Zoning Ordinance
- 1-5-2: Land Requirements
- 1-5-3: Blocks
- 1-5-4: Lots
- 1-5-5: Streets
- 1-5-6: Cul-de-sac Streets
- 1-5-7: Street Widths
- 1-5-8: Alleys
- 1-5-9: Sidewalks
- 1-5-10: Boulevard Trees
- 1-5-11: Drainage
- 1-5-12: Easements
- 1-5-13: Protected Areas
- 1-5-14: Park Land Dedication Requirements
- 1-5-15: Dedication of Storm Water Retention Areas
- 1-5-16: Minimum Design Features
- 1-5-17: Preliminary Construction Plans – City Engineer

### **1-5-1: CONFORMITY WITH GLYNDON'S COMPREHENSIVE PLAN AND ZONING ORDINANCE:**

A proposed subdivision must conform to the City's Comprehensive Plan, including but not limited to, its goals and objectives and short and long range implementation plan. Additionally, a proposed subdivision must conform to similar documents, and related polices adopted by the City Council, and to the Glyndon Zoning Ordinance. (Ord.181, 6-22-2016)

### **1-5-2: LAND REQUIREMENTS:**

- A.** Land should be suited to the purpose for which it is to be subdivided. No plan will be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, adverse soil, or other environmental limitations.
- B.** Land subject to hazards to life, health, or property will not be subdivided until all such hazards have been eliminated unless adequate safeguards against such hazards are provided by the subdivision plan.

- C. Proposed subdivisions will be coordinated with surrounding jurisdictions and/or neighborhoods, so that the City as a whole may develop efficiently and harmoniously. (Ord.181, 6-22-2016)

#### **1-5-3: BLOCKS:**

- A. **Block Area:** Block length and width, or acreage within bounding streets, must accommodate the size of residential lots required in the area by the Zoning Ordinance and provide for convenient access, circulation control, and safety of street traffic.
- B. **Block Length:** In general, intersecting streets should be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets.
- C. **Block Width:** The width of the block should normally be sufficient to allow two (2) tiers of lots of minimum depth as required by the Zoning Ordinance except when adjoining a stream, railroad, or arterial or where one (1) tier of lots is necessary because of topographic conditions. Blocks intended for business or industrial uses should be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking, deliveries, and loading. Such facilities should be provided with safe and convenient limited access to the street system. (Ord.181, 6-22-2016)

#### **1-5-4: LOTS:**

- A. **Area:** The minimum lot area, width, and depth should not be less than that established by the City Zoning Ordinance in effect at the time of adoption of the final plat.
- B. **Side Lot Lines:** Side lines of lots should be at near right angles to street lines, radial to curved street lines, or radial to accommodate site specific topographic conditions.
- C. **Frontage on Two Streets:** Double frontage (lots with frontage on 2 parallel or non-intersecting streets) should not be permitted except where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable.
- D. **Driveway Restrictions:** In the case where a proposed plat is adjacent to a limited access highway, other major highway, principal or minor arterial streets, no direct vehicular access from individual lots to such streets or roads will be permitted. In cases of limited access, regular access control to be shown on plat. (Ord.181, 6-22-2016)

#### **1-5-5: STREETS:**

- A. **Standards:** Proposed streets must conform to City, County, and State standards which have been prepared, adopted, and/or filed as prescribed by law.

- B. Topography:** Streets should be logically related to the topography, so as to produce usable lots and reasonable grades.
- C. Access:** Access must be given to all lots and portions of the tract in a subdivision and to adjacent unsubdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips and land-locked areas must not be created. The arrangement of streets in new subdivisions should make provision for the appropriate continuation of existing streets in adjoining areas. Access should be provided in the form of an easement to allow a future access to areas abutting a proposed subdivision that are vacant, and have the potential for future platting.
- D. Streets to Boundaries at Subdivision:** Where adjoining areas are not subdivided, but in the future may be subdivided, the arrangement of streets in a new subdivision should make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. A temporary turn-around facility may be required at the closed end, in conformance with cul-de-sac size requirements. Temporary facilities may require curb and gutter as by the construction standards established by the City.
- E. Arterial and Collector Streets:** The arrangement of arterial and collector streets should be considered in their relation to the reasonable circulation of traffic, topographic conditions, runoff of storm water, public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- F. Provisions for Resubdivision of Large Lots and Parcels:** When a tract is subdivided into larger than normal building lots or parcels which have the potential for further subdivision, such lots or parcels should be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- G. Dead End Streets:** Dead end streets will be prohibited, except as stated in subsection D of this section.
- H. Private Streets:** Private streets are prohibited, except in the case of a planned unit development and/or approval of the City Council. No public street improvement will be approved for any private street.
- I. Major Arterial or Railroad Right-of-Way:** Where a subdivision abuts, or contains an existing or planned major arterial or a railroad right-of-way, a street approximately parallel to such arterial and right-of-way (either frontage or backage) may be required for the preservation of access control, reducing as best possible the conflict between through and local traffic. Such service streets should be located at a distance from the major arterial or railroad right-of-way with due regard for the preservation of approach grades, future grade separations, and existing or proposed access control measures. This measure applies to all types of development, as needed by the City.

**J. Street Design:** The street design should not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

**1-5-6: CUL-DE-SAC STREETS:**

Cul-de-sac streets permanently designed as such, should not exceed six hundred feet (600') in length, including a terminal turn-around which must be provided at the closed end, with a right-of-way radius of not less than sixty feet (60'); and with a paved radius of not less than forty eight feet (48'). The length will be measured along the centerline from the center point of the nearest intersection to the center point of the cul-de-sac. (Ord.181, 6-22-2016)

**1-5-7: STREET WIDTHS:**

**A. Widths:** Street right-of-way widths will be as determined in the Comprehensive Plan, on the Official Street Map, and where applicable, must conform to County and State standards for trunk highways and functionally classed roadways. In cases where no standard is provided, the following standards will apply:

CLASSIFICATION	ROADWAY RESPONSIBILITY	ROADWAY SECTION	ROADWAY WIDTH (FT.)	RIGHT-OF-WAY (FT.)
Principal Arterial	Federal and State	4 to 6 lanes plus turn lanes, strict access control, limited parking	72 to 96	150 to 200
Minor Arterial	State and County	2 to 4 lanes plus turn lanes, limited access control, limited parking	44 to 72	100 to 125
Collector	City	2 lanes, turn lanes at key locations, access allowed, parking allowed	36 to 44	80 to 100
Local	City	2 lanes, access allowed, parking allowed	36 to 44	80
Cul-de-sac Streets	City	2 lanes, access allowed, parking allowed	36 to 44	80
Cul-de-sac Turnaround	City	2 lanes, access allowed, parking allowed	48	80

- B. Street Intersections:** Insofar as practical, streets should intersect at right angles. In no case will the angle formed by the intersection of two (2) streets be less than seventy five degrees (75°). Intersections having more than four (4) corners will be prohibited.
- C. Tangents:** A tangent of at least one hundred feet (100') must be introduced between reverse curves on arterial and collector streets.
- D. Deflections:** When connecting street lines deflect from each other at one point by more than ten degrees (10°), they should normally be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred feet (500') for arterials, three hundred feet (300') for collectors, and two hundred feet (200') for all other streets. The Planning Commission may allow greater or lesser sight distances.
- E. Street Intersection Jogs:** Street intersection jogs with centerline offsets of less than one hundred fifty feet (150') are prohibited.
- F. Access to Limited Access Highways:** Access to such limited access highways should normally be at intervals of not less than one-fourth (1/4) mile and through existing and established crossroads where possible. Access to all trunk highways will be subject to the access management standards established by the Minnesota Department of Transportation.
- G. Platting of Small Tracts:** Any applicant with the intention to ask for access to a limited access highway, or a state trunk highway is encourage to approach the City during the sketch plan submittal.

In the platting of small tracts fronting on a limited access highway where there is no convenient access to existing entrances and where the creations of a new access would be closer than one-quarter (1/4) mile from an existing access point, or contrary to access management standards established by the Minnesota Department of Transportation (whichever is more restrictive), a temporary entrance permit may be granted. In such cases, it is recommended provisions be made for the connection of planned roads to neighboring lands through the creation of, or extension of, an existing service road, frontage roads, or backage road.

- H. Half Streets:** Half streets are prohibited except where the dedication of the other half is imminent due to the probable subdivision of abutting property. The probable length of time elapsing before dedication of the remainder must be considered in this decision.
- I. Inadequate Width:** Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width will be provided to meet the above standards.
- J. Additional Widths:** Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it.

- K. Restriction of Access:** Access of local streets onto arterial and collector streets will be discouraged at intervals of less than five hundred feet (500').
- L. Corner Radii:** Roadways of street intersections will be rounded by a radius of not less than twenty feet (20'). Corners at entrances to the turn-around portions of cul-de-sacs must be rounded by a radius of not less than twenty feet (20').
- M. Curb and Gutter:** Concrete curb and gutter will be included as part of the required street surface improvement and will be designed for installation along both sides of all roadways. Mountable curbing is allowed within residential subdivisions. Barrier curb and gutter may be required in multiple family, commercial, and industrial subdivisions approved by the City. Curb specifications outside of residential neighborhoods will be considered on a case-by-case basis, as determined by the City.
- N. Street Designation:** Whenever practical, streets will be designated numerically. The following policies may be generally applied when designating awkward street configurations:
1. Cul-de-sacs less than three hundred feet (300') will assume the designation of the street they abut.
  2. No street names will be used that duplicate or may be confused with the names of existing streets, unless a new street is a continuation of, or in alignment with, the existing or platted street. In that event, it must bear the same name of the existing or platted street. (Ord.181, 6-22-2016)

#### **1-5-8: ALLEYS:**

- A. Location Permitted:** Alleys or service drives may be provided in commercial and industrial districts.
- B. Widths:** The right-of-way width of all alleys or service drives must be at least twenty feet (20').
- C. Grades:** All centerline gradients in alleys must be at least 0.3 percent and must not exceed six percent (6%). If not paved, the centerline gradient must be at least one percent (1%). (Ord.181, 6-22-2016)

#### **1-5-9: SIDEWALKS:**

Sidewalks are not required by this Ordinance.

#### **1-5-10: BOULEVARD TREES:**

Boulevard trees are not required by this Ordinance.

### **1-5-11: DRAINAGE:**

A complete and adequate drainage system design approved by the City Engineer will be required for all subdivisions. (Ord.181, 6-22-2016)

### **1-5-12: EASEMENTS:**

All easements must be dedicated by appropriate language on the final plat as required by law and provisions of this Ordinance.

- A. Utility Easements:** Easements of a minimum of ten feet (10') on front lot lines, twenty feet (20') centered on the rear lot lines, and ten feet (10') wide centered on the side lot lines, must be provided for public and private utilities where necessary as determined by the City. Twenty foot (20') wide easements may be required if City water and/or sewer services are involved. When it is not practical to center easements, the fully required easement width may be required along one property line. Said easements must have continuity of alignment from block to block. The easements, when approved, must not thereafter be changed without the approval of the City Council.
- B. Drainage:** Easements must be provided along each side of the centerline of any natural watercourse or drainage channel to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff. Where necessary, drainage easements corresponding with lot lines must be provided. Such easements for drainage purposes will not be less than twenty feet (20') in width or a width equal to the required side yard setback established by the respective zoning district in which the property is located, whichever is least.
- C. Sight:** Sight easements beyond required zoning setback regulations may be required by the City or State Highway Department to protect major intersections on the State trunk highway system. (Ord.181, 6-22-2016)

### **1-5-13: PROTECTED AREAS:**

Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage courses, watercourses, and/or floodable areas, the design of said subdivision must clearly reflect all necessary measures of protection to ensure against adverse environmental impact.

### **1-5-14: PARK LAND DEDICATION REQUIREMENTS:**

#### **A. General Requirements:**

As a prerequisite to residential plat approval, and at the sole determination by the Planning Commission, applicants must dedicate land for parks, playgrounds, public open spaces, trails, or bikeways and/or must make a cash dedication to the City.

1. The Planning Commission will confer with the City Council, at the time the preliminary plat is under consideration, to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, or other public property.
2. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the Planning Commission, against the requirement of dedication for park and recreation purposes provided the Planning Commission finds it is in the public's best interest to do so.
3. The Planning Commission may elect, at its sole discretion, to receive a combination of cash and land dedication.
4. During preliminary plat submission, the applicant must provide the Planning Commission with the number and type of residential units which will occupy the platted areas. If during development the number or type of units is altered, the applicant will be required to make a cash dedication to account for the increased density of the project. However, if the number of units is decreased, the applicant will not be refunded that amount of cash or land dedicated during the original approval.
5. Property being replatted with the same number of units will be exempt from all park land dedication requirements. If the number of units is increased, or if land outside the previously recorded plat is added, then the park land dedication and/or park cash contributions will be based on the additional units added to the plat.

**B. Park Land Dedication:**

In all new residential subdivisions, land must be dedicated for public recreation use or open space as established by the Planning Commission. The dedicated land must be in addition to property dedicated for streets, alleys, easements, water detention, or other public ways. The amount of land dedicated will be based on the type of development; according to the following:

TYPE OF DWELLING UNIT	MINIMUM AREA DEDICATED PER DWELLING UNIT
Single or Two Family	700 square feet
Multiple Family	500 square feet

1. Land to be dedicated must be reasonably suitable for its intended use as determined by the Planning Commission and must be at a location convenient to the public to be served. Factors used in evaluating the adequacy of proposed park and recreation

areas must include size, shape, topography, geology, hydrology, tree cover, access, and location.

2. When land is dedicated and deeded to the City for park purposes, it will be the responsibility of the City to maintain such dedicated property.
3. The preliminary plat must show the location and dimensions of all areas to be dedicated in this manner.
4. When a proposed park, playground, recreational area, or other public ground has been indicated on the City's Official Map or within the Comprehensive Plan and is located in whole or in part within a proposed plat, it must be dedicated to the appropriate governmental unit.
5. Land area conveyed or dedicated to the City will not be used in calculating density requirements of the City Zoning Ordinance.
6. Wetlands, ponding areas, and drainage ways accepted by the Planning Commission may not be considered in the park land and/or cash contribution to the City.

**C. Payment-in-lieu-of-dedication:**

When, in the opinion of the Planning Commission and at its sole discretion, it is impractical, inappropriate, and/or in the best interest of the City for a subdivision to not make a dedication of land for public use, the applicant will be required to pay a cash fee based on the type and number of dwelling units. Cash payments in lieu of parkland dedication will be made in accordance with the following:

TYPE OF DWELLING UNIT	MINIMUM AMOUNT OF CASH DEDICATED PER DWELLING UNIT
Single or Two-Family	\$500
Multiple Family	\$250

1. Park cash contributions are to be calculated and paid in full at the time of final plat approval.
2. Cash contributions for parks and trails must be deposited in either the City's Park Fund or similar fund and will only be used for acquisitions and development of future parks and trails or development of existing sites as determined by the Planning Commission. Additionally, said funds may be utilized anywhere within the park trail system.

#### **D. Purchase and Assessment of Park Land:**

The requirement for parkland dedication or payment in lieu of dedication may be waived by the City when an agreement incorporated into a Developer's Agreement has been executed between the City and developer. Such agreement must require the developer to petition for park improvements to be assessed against the property owned by the developer, which may include property outside the current plat. The agreement must set forth the land to be purchased by the City for park purposes and the purchase price for the land. In addition, the agreement must set forth the general type of improvements to be included in the petition for park improvements, as well as the maximum amount of money that may be assessed. Such maximum amount may be based on a sliding scale based on the density of the development. The City may enter into such an agreement only if the City Council determines that such an agreement results in a more favorable result to the City than the imposition of the standard parkland dedication or payment in lieu of dedication requirements.

#### **1-5-15: DEDICATION OF STORM WATER RETENTION AREAS:**

Based on the City Engineer's requirements and upon approval by the Council, the applicant will be required to dedicate to the public land proposed to be subdivided for storm water retention areas. The required dedication may be considered in addition to the parkland dedication required by the previous section. (Ord.181, 6-22-2016)

#### **1-5-16: MINIMUM DESIGN FEATURES:**

The design features set forth in this Chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets, and overall design as deemed appropriate considering the property being subdivided based upon site considerations and the Comprehensive Plan. (Ord.181, 6-22-2016)

#### **1-5-17: PRELIMINARY CONSTRUCTION PLANS – CITY ENGINEER**

Applicant will be required to furnish the City of Glyndon and City Engineer with copies of the preliminary plat in the form required. The City Engineer shall, upon direction from the City Council, prepare preliminary specification plans for local improvements for the new subdivision. This report shall be conforming in all respects with the standards and ordinances of the City, must show if utilities can be installed in a feasible manner with the proposed street and lot Proposals and with the existing land conditions, and may require soil borings and or elevation markings from the applicant. All engineer's costs will be assessed as a project cost to the applicant. Such plans must be submitted to the City Council and Planning Commission for information and review prior to final approval of a plat.

**Chapter 6**  
**SUBDIVISION DEVELOPMENT AGREEMENTS**  
**AND IMPROVEMENT PROCEDURES**

**SECTION:**

- 1-6-1: Improvements and Subdivision Development Agreements
- 1-6-2: Monuments
- 1-6-3: Local Improvement Requirements
- 1-6-4: Construction Plans, Inspection and Warranty

**1-6-1: IMPROVEMENTS AND SUBDIVISION DEVELOPMENT AGREEMENTS:**

**A. Improvements:**

- 1. Local Improvements:** The City Council has determined that all local improvements to construct streets, water mains, sewer mains, storm sewer systems, street lighting, etc. are essential items that the City must maintain indefinitely. Thus all local improvements must be designed, bid, and constructed by the City of Glyndon to ensure the quality and integrity of the improvements. Local improvements include the following facilities: storm sewer, sanitary sewer, water mains, street surfacing, curb and gutter, sidewalk and driveway approaches and sewer and water connections from City mains to property lines.
- 2. Petition:** The applicant must agree to follow the procedure outlined in Minn. Stat. § 429.031 to petition the City of Glyndon for improvements. The City will require the petition for improvements to be done in feasible increments of lots to: best utilize the benefits of the bidding process, allow for looping of water lines, and allow for the storm sewer system to be installed, etc. At time of petition, proof must be shown that the proper monumentation has been set per section 1-6-2 of this Ordinance.
- 3. Estimate:** Prior to the bid award for any improvements, the applicant will be given an accurate estimate of the total assessable cost of the project. The applicant must agree in writing to provide adequate security to the City for the planned improvements in an amount acceptable to the City, which may be in the form of a cash deposit, irrevocable letter of credit, escrow arrangement or any other form allowed by the City. The terms and conditions expressed in the security must be approved by the City Council.
- 4. Agreement of Assessment:** The applicant must sign an agreement to allow the assessment of the remaining cost of local improvements be assessed against benefited properties, and sign a statement to “expressly waive objection to any

irregularity with regard to the said initial improvement assessments and any claim that the amount thereof levied against the owner's property is excessive, together with all rights to appeal in the courts". The agreement must be binding on all current and subsequent owners of the properties improved.

- 5. Assessments:** The amount of the special assessments to be assessed against the property for local improvements shall be in accord with State law. The developer, at the time of assessment, shall determine the distribution of the total assessments, by lot. Upon transfer of ownership, liability of previously determined assessment becomes the responsibility of the owner, and so on.

**B. Development Agreement and Guarantee:**

- 1. Agreement:** Before the final subdivision plat is approved, all applicants shall be required to dedicate those public areas (i.e. street, park, detention, etc) to the local government on the plat, free and clear of all liens and encumbrance. The subdivision development agreement shall contain such other terms and conditions agreed to by the applicants and the City Council.
- 2. Conditions to Run:** Before a final plat is approved by the City, the subdivider of the land covered by the proposed plat shall pay all applicable fees as established by the City, and enter into a Development Agreement at the discretion of the Council. The subdivision Development Agreement shall provide that the terms and conditions contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The agreement shall set forth that the subdivider will cause no private construction to be made on the lands within said plat, nor shall the subdivider file or cause to be filed any application for zoning permits for such construction.
- 3. Adoption and Recordation:** The subdivision development agreement will be adopted by the City Council, pursuant to applicable state and local laws and shall be recorded in the Office of the Clay County Recorder.
- 4. Approval:** No final plat shall be approved by the City without first receiving a report signed by the City Attorney certifying that the executed documents described therein together with the agreements and documents required under this Section of the Ordinance meet the requirements of the City. The City Clerk/Treasurer shall also certify that all required fees have been paid by the applicant prior to approval of the final plat. (Ord.181, 6-22-2016)

### **1-6-2: MONUMENTS:**

- A. Location:** Monuments must be placed at all block and lot corners, angle points, points of curves in streets, and at intermediate points as will be required by the City.
- 1. Specification:** Block corner monuments and permanent control markers must consist of a number 5 deformed reinforcement rod, a minimum of thirty inches (30") long and are to be placed in concrete six inches (6") in diameter. All other monuments must consist of a number 5 deformed reinforcement rod, a minimum of thirty inches (30") long.
- 2. Depth:** All monuments are to be placed at least eighteen inches (18") below the graded surface. Monuments must be in place at the time of petition for local improvements.
- B. Easements:** Stakes showing the locations of easements must be provided by the subdivider upon request of the City. The stakes must be wood lathes and will be used only to insure the proper location of utilities on the easements. The stakes must not be intended to be permanent survey monuments. (Ord.181, 6-22-2016)

### **1-6-3: LOCAL IMPROVEMENT REQUIREMENTS:**

- A. Specifications and Supervision:** All improvements or utilities installed shall be in accordance with the specifications approved by the Council and shall be done under the supervision of authorized City personnel (i.e. Grading, Paving, Concrete Curb and Gutter, Boulevards, Street Signs, Street Lights, Sidewalks, Water Main, Drainage Plans, Fire Hydrants, Sanitary Sewer, Storm Sewer, House Services, etc).
- B. Plans and Specifications:** Plans and specifications for the local improvements will be prepared by the City Engineer and will conform to all municipal standards as well as all public utility standards. Cost for engineering services, including reproducible as built drawings showing all utilities and improvements, will be assessed to the applicant. (Ord.181, 6-22-2016)

### **1-6-4: CONSTRUCTION PLANS, INSPECTION AND WARRANTY:**

Preliminary construction plans for the required improvements, conforming in all respects with the standards and ordinances of the City must be prepared and will be assessed as a project cost to the applicant by the City engineer who is registered in the State of Minnesota, and said plans must contain professional certification. Such plans together with the quantities of construction items must be submitted to the City for approval and for an estimate of the total costs of the required improvements. Upon approval, such plans will become a part of the required written agreement. The tracings of the plans approved by the Engineer, plus two (2) prints, must be furnished to the City to be filed as a public record. (Ord.181, 6-22-2016)

## Chapter 7 ADMINISTRATION AND ENFORCEMENT

### SECTION:

- 1-7-1: Administration
- 1-7-2: Amendments
- 1-7-3: Zoning Permits
- 1-7-4: Violations and Penalty
- 1-7-5: Resubdivision of Land
- 1-7-6: Variances
- 1-7-7: Enforcement

#### **1-7-1: ADMINISTRATION:**

The Ordinance will be administered by the City Council or its delegates. (Ord.181, 6-22-2016)

#### **1-7-2: AMENDMENTS:**

The provisions of this Ordinance may be amended by action of the City Council. (Ord.181, 6-22-2016)

#### **1-7-3: ZONING PERMITS:**

No zoning permit may be issued for any construction, enlargement, alteration, repair, demolition, or moving of any building or structure on any lot or parcel until all the requirements of these regulations have been fully met. (Ord.181, 6-22-2016)

#### **1-7-4: VIOLATIONS AND PENALTY:**

- A. Sale of Lots from Unrecorded Plats:** It is a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat, or replat of any subdivision or area located within the jurisdiction of this Ordinance unless the plan, plat, or replat has first been recorded in the office of the Clay County Recorder.
- B. Recording Unapproved Plats:** It is unlawful for a person to record in any public office any plans, plats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of these Chapters, unless the same bear thereon, by endorsement or otherwise, the approval of the City Council.
- C. Penalty:** Any person violating any of the provisions of this Ordinance may be guilty of a misdemeanor. Each day during which compliance is delayed or such violation continues or

occurs will constitute a separate offense and may be prosecuted as such. (Ord.181, 6-22-2016)

#### **1-7-5: RESUBDIVISION OF LAND:**

- A. Procedure or Resubdivision:** All plats resubdivided or vacated shall follow the same procedure as an original subdivision plat.
- B. Procedure for Subdivision where future resubdivision is indicated:** Wherever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than twice the minimum lot size required by the Zoning Ordinance, and there are indications that such lots will eventually be resubdivided into building sites, the Planning Commission and City Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets, and indicate building site locations which will allow the future subdivision of the lots and the extension of the streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.
- C. Zoning Permit:** No zoning permit shall be issued for any parcel unless it has been platted according to these regulations, and is properly zoned for the proposed use. This provision does not prohibit the sale of a portion of a previously platted lot. (Ord.181, 6-22-2016)

#### **1-7-6: VARIANCES:**

**A. General:** The City may find that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal. It may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The City shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance would be beneficial to the public safety, health, or welfare, and not injurious to other property located adjacent to the proposed modification.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
4. The variance is consistent with provisions of the Zoning Ordinance and proper development of the area.

**B. Conditions:** In approving variances, the City may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements of these regulations.

**C. Procedures:** A petition for any such variance shall be submitted on the City Form and with appropriate fees by the subdivider for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. Action will be taken to grant or deny the variance within sixty (60) days of its receipt by the Planning Commission. (Ord.181, 6-22-2016)

### **1-7-7: ENFORCEMENT:**

#### **A. Enforcement:**

1. It shall be the duty of the Zoning Official to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
2. No zoning permit shall be issued for any lot or parcel of land in a proposed subdivision before a plat of such subdivision has been approved by the Planning Commission and City Council, and filed with the County Register of Deeds.
3. No zoning permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

**B. Civil Enforcement:** Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises.

#### **EFFECTIVE DATE**

This Ordinance shall become effective upon publication.

Passed by the Council this 25<sup>th</sup> day of January, 2017.

ATTESTED:

\_\_\_\_\_  
Cecil Johnson, Mayor

\_\_\_\_\_  
Wendy Affield, Acting City Clerk

1<sup>st</sup> Reading – November 28, 2016  
2<sup>nd</sup> Reading – December 14, 2016  
Public Hearing – January 25, 2017  
3<sup>rd</sup> Reading – January 25, 2017  
Published January 30, 2017 Clay County Union News