

## Chapter 62 SUBDIVISIONS\*

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**\*Cross reference(s)**--Businesses, ch. 18; fees, ch. 26; manufactured homes and trailers, ch. 42; sanitation, ch. 54; streets, sidewalks and other public places, ch. 58; utilities, ch. 74.

**State law reference(s)**--Subdivision regulations, Minn. Stat. § 462.358.  
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### **ARTICLE I. IN GENERAL**

#### **Sec. 62-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

*Building permit* means the building permit required under the city building code and zoning regulations.

*Comprehensive plan* means the group of maps, charts and texts that make up or shall in the future make up the comprehensive plan of the city, including any subsequent amendments or additions thereto.

*Easement* means a grant by a property owner for the use of a described area of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, T.V. and FM transmission lines, storm sewers or storm drainageways, and gas lines.

*Final plat* means a drawing or map of a subdivision, meeting all the requirements of the city and in such form as required by the county for purposes of recording.

*Lot* means a portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

*Owner* includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of them.

*Parks and playgrounds* means public lands and open spaces dedicated or reserved for recreation purposes.

*Pedestrian way* means a public or private right-of-way across a block or within a block to provide access, to be

used by pedestrians and which may be used for the installation of utility lines.

*Percentage of grade, on street centerline,* means the distance vertically from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

*Preliminary plat* means a tentative drawing or map of a proposed subdivision meeting requirements enumerated in this chapter.

*Protective covenants* means contracts made between private parties as to the manner in which land may be used, with a view to protecting and preserving the physical and economic integrity of any given area.

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

*Street, private* means a private right-of-way affording access by pedestrians and vehicles which is under individual rather than municipal control.

*Street width* means the shortest distance between lines of lots delineating the street right-of-way.

*Streets, arterial* means principal streets which are used primarily for heavy traffic, and serve as an arterial trafficway between the various areas of the community, as shown on the comprehensive plan.

*Streets, collector* means streets that carry traffic from minor streets to the major system of arterial streets and highways, including principal entrance streets of residential districts as shown on the comprehensive plan.

*Streets, dead-end* means minor streets with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

*Streets, marginal access* means minor streets which are parallel and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

*Streets, minor* means streets which are used primarily for access to abutting properties.

*Subdivision* means a described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than five acres in area or less than 300 feet wide, for the purpose of transfer of ownership or building development. The term includes resubdivision, and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

*Tangent* means a straight line which is perpendicular to the radius of a curve where a tangent meets a curve.

*Tract* means a parcel of land intended for division or development of a subdivision.

*Vertical curve* means the surface curvature on a street centerline located between lines of different percentage of grade.

(Code 1977, § 18.01, subd. 5)

**Cross reference(s)**--Definitions generally, § 1-2.

#### **Sec. 62-2. Purpose.**

In order to safeguard the best interests of the city and to assist subdividers in harmonizing their interests with those of the city at large, this chapter is adopted. Because each new subdivision becomes a permanent unit in the basic

structure of the expanding community, and to which the community will be forced to adhere, and because piecemeal planning of subdivisions will result in undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to a comprehensive plan of the city aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the council shall, in all respects, fully comply with the regulations set forth in this chapter. It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the city and lands adjacent thereto pursuant to the authority contained in Minn. Stat. ch. 462, which regulations the council deems necessary for health, safety and general welfare.

(Code 1977, § 18.01(1))

#### **Sec. 62-3. Jurisdiction.**

The regulations in this chapter governing plats and the subdivision of land shall apply within the city and the unincorporated area within two miles of its limits, described as follows: all of sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 29, and 30; and the south half of sections 7, 8 and 9; and the west half of the southwest quarter of section 10; all in township 61, range 1 east and all of sections 24 and 25 in township 61, range 1 west.

(Code 1977, § 18.01(2))

#### **Sec. 62-4. Application of chapter.**

Any plat, made after the effective date of the ordinance from which this chapter derives, for each subdivision or each part thereof lying within the jurisdiction of this chapter, shall be prepared, presented for approval, and recorded as prescribed in this chapter. The regulations contained in this chapter shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or building development, whether immediate or future, including the resubdivision or replatting of land or lots.

(Code 1977, § 18.01)

**Sec. 62-5. Compliance.**

No building permit shall be issued by the city with respect to any parcel or lot in a subdivision until the approved plat thereof has been recorded in the office of the register of deeds.

(Code 1977, § 18.09)

**Sec. 62-6. Registered land surveys.**

It is the intention of this chapter that all registered land surveys under the jurisdiction of this chapter shall be presented to the council in the form of a preliminary plat in accordance with the standards set forth in this chapter for preliminary plats and that the council shall first approve the arrangement, sizes and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads shall be so dedicated. Unless such approvals have been obtained from the planning commission and council in accordance with the standards set forth in this chapter, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys, and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.

(Code 1977, § 18.07(1))

**Sec. 62-7. Conveyance by metes and bounds.**

(a) No conveyance of one or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if any parcel described in the conveyance is less than five acres in area and 300 feet in width, unless such parcel was a separate parcel of record on the effective date of this chapter, May 5, 1966, or was, on that date, the subject of a written agreement to convey. Building permits will be withheld for buildings on parcels which have been

conveyed in violation of this section, and the city may in its sole discretion refuse to improve, repair or maintain streets or roads which are part of such parcel.

(b) Parcels less than five acres in area and 300 feet in width may be conveyed by metes and bounds description if the described parcel meets all minimum requirements of the zone district in which it is located, and if no new roads or city services are necessary. A property owner shall be allowed to subdivide and convey no more than two parcels so described from any one tract per calendar year by this method.

(Code 1977, § 18.07(2); Ord. No. 163, § 1, 4-14-93)

**Sec. 62-8. Sale of lots in unrecorded plats or surveys.**

It shall be unlawful to sell, trade or otherwise convey or offer 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 portion of the area regulated by this chapter, unless the plan, plat or replat has been recorded in the office of the register of deeds.

(Code 1977, § 18.10(1))

**Sec. 62-9. Misrepresentation as to construction, supervision, inspection or payment for improvements.**

It shall be unlawful for any person owning an addition or subdivision of land within the city to represent that any improvement upon any of the streets or alleys of the addition or subdivision, or any water or sewer main or other improvement in the addition or subdivision has been constructed according to the plans and specifications approved by the council, or has been supervised or inspected by the city, or has been fully or partially paid for, when such improvements have not been so constructed, supervised, inspected or paid for.

(Code 1977, § 18.10(2))

**Sec. 62-10. Continuing violations.**

Each month during which compliance with this chapter is delayed shall constitute a separate offense.

(Code 1977, § 18.11)

**Secs. 62-11--62-30. Reserved.**

## **ARTICLE II. VARIANCES**

**Sec. 62-31. General conditions.**

The planning commission may recommend a variance from the provisions of this chapter when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its recommendations, the planning commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted by the council unless the council finds all of the following:

- (1) There are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter will deprive the applicant of the reasonable use of his land.
- (2) The variance is necessary for the preservation and enjoyment of a substantial property of the petitioner.
- (3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

(Code 1977, § 18.08(1))

**Sec. 62-32. Application.**

Applications for any variance under this chapter shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the council, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the planning commission and the council in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

(Code 1977, § 18.08(2))

**Sec. 62-33. Fees.**

The council may, from time to time, set the fee for a variance application under this chapter. Such amount shall be specified in chapter 26 of this Code.

(Code 1977, § 18.08(3))

**Secs. 62-34--62-55. Reserved.**

**ARTICLE III. PLATS**

**DIVISION 1. GENERALLY**

**Sec. 62-56. Approval necessary for acceptance.**

Before any plat shall be recorded or be of any validity, it shall have been approved by the council as having fulfilled the requirements of this chapter.

(Code 1977, § 18.01(4))

**Secs. 62-57--62-65. Reserved.**

DIVISION 2. PRELIMINARY PLAT

**Sec. 62-66. Procedure generally.**

Before dividing any tract of land into two or more lots or parcels, the procedure set out in this article shall be followed.

(Code 1977, § 18.02(1))

**Sec. 62-67. Submittal and referral to planning commission.**

(a) A preliminary plat shall be submitted to the council, which shall refer it to the planning commission for study and recommendation. The planning commission shall consider the plat at its next regular meeting, or at a special meeting to be called for that purpose, at its discretion, and the commission may consider the plat at adjourned meetings as it shall determine to be necessary.

(b) The preliminary plat shall be accompanied by a fee. The council may, from time to time, set the fee for submitting a preliminary plat. Such amount shall be specified in chapter 26 of this Code.

(c) The planning commission shall study the preliminary plat, shall obtain the assistance and advice of the city engineer, city attorney and any other persons it deems advisable, and shall recommend approval or disapproval of the preliminary plat, or shall recommend that it be conditionally approved, and shall disapprove it until and unless the specified conditions are first complied with.

(d) Upon the making of its determination, and within 45 days after referral, the planning commission shall submit its written recommendation and reasons to the owner or subdivider submitting the preliminary plat.

(Code 1977, § 18.02(1)(A))

**Sec. 62-68. Submittal to council.**

(a) Upon the referral of the preliminary plat, together with the recommendations of the planning commission, the council shall hold a public hearing on the proposed plat, notice of which shall be published once in the official newspaper at least ten days, but not more than 30 days, before the day of the hearing. The council may, in addition, provide for other notice as it shall determine necessary.

(b) The council shall have authority to approve, disapprove, modify or amend the recommendation of the planning commission, and it may, either before or after the public hearing, refer the preliminary plat to the planning commission for further study. A referral to the planning commission shall not be deemed a final action thereon by the council, and the planning commission shall report back thereon not later than 45 days following the council meeting at which it was referred.

(c) Upon final decision by the council, it shall embrace its decision in a motion to be entered in the official records of the council.

(d) Upon decision by the council, the clerk shall transmit a copy of the motion to the subdivider.

(e) The approval of the preliminary plat shall not constitute an acceptance of the subdivision, but it shall be deemed to be an authorization to proceed with the preparation of the final plat.

(f) The approval of the preliminary plat by the council shall be effective for a period of two years from the date of approval by the council.

(g) 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, provided that such portion must conform to all requirements of this chapter. If some portion, or all, of the final plat has not been submitted to the council for approval within the time hereinabove provided, a

preliminary plat must again be submitted to the council for approval, unless the council shall waive this requirement.

(Code 1977, § 18.02(1)(B))

**Sec. 62-69. Information required.**

(a) *Preparation.* Every preliminary plat shall be prepared in three copies, and shall contain the data and information required by this section.

(b) *Identification and description.* The following data regarding identification and description of the preliminary plat shall be provided:

- (1) Proposed name of subdivision, which name shall not duplicate the name of any plat heretofore recorded in the county.
- (2) Location by section, township and range, or by other legal description.
- (3) Names and addresses of the owner and subdivider having control of the lands included in the preliminary plat, the designer of the plat and the surveyor.
- (4) Graphic scale, not less than one inch to 100 feet.
- (5) North point.
- (6) Date of preparation.

(c) *Existing conditions.* The following data regarding existing conditions shall be provided:

- (1) Boundary line survey, including measured distances and angles, which shall close by latitude and departure with an error of closure not exceeding one foot in 7,500 feet.

- (2) Total acreage in the preliminary plat computed to one-tenth of an acre.
- (3) Location and names of existing or platted streets or other public ways, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of 100 feet beyond the tract.
- (4) If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also any revised or vacated roadways of the original plat shall be so indicated.
- (5) Location and size of existing paved streets, sewers, water mains, gravel pits, culverts or other underground facilities within the tract and to a distance of 100 feet beyond the tract. Also such data as grades, invert elevations and location of catchbasins, manholes and hydrants.
- (6) Boundary lines of adjoining platted or unplatted land within 100 feet of the tract.

(d) *Design features.* The following data regarding proposed development design features of the preliminary plat shall be provided:

- (1) Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street similar to any street name now or heretofore used in the city shall not be permitted unless the proposed street is an extension of an already named street in which event the name shall be used. All street names shall be subject to the approval of the council.
- (2) Locations and widths of alleys, pedestrian ways and utility easements.

- (3) Proposed centerline grades of all new streets and alleys, if any, and a complete set of profiles showing both existing and proposed grade lines.
- (4) Location, size and approximate gradient of sewer lines.
- (5) Layout, numbers and approximate dimensions of lots and the number of each block.
- (6) Location and size of proposed parks, playgrounds, churches or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
- (7) Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings, and surrounding zoning districts.

(Code 1977, § 18.03)

**Secs. 62-70--62-80. Reserved.**

DIVISION 3. FINAL PLAT

**Sec. 62-81. Procedure generally.**

After the preliminary plat has been approved, and the subdivider determines to proceed to secure approval of all or part thereof as a final plat, the final plat shall be submitted as provided in this division.

(Code 1977, § 18.02(2))

**Sec. 62-82. Submittal and referral to planning commission.**

(a) The final plat shall be submitted to the council, which shall refer it to the planning commission, which shall

consider it at its next regular meeting, or at such special or adjourned meeting as it shall determine to be necessary.

(b) The final plat shall be accompanied by a fee. The council may, from time to time, set the fee for submitting a final plat. Such amount shall be specified in chapter 26 of this Code.

(c) The planning commission shall recommend that the proposed final plat be approved or disapproved, or that it should be approved only upon compliance with certain conditions, which shall be specified. Within 45 days after referral, the planning commission's recommendation and reasons therefor shall be submitted in writing to the council, and a copy thereof shall be delivered to the subdivider.

(Code 1977, § 18.02(2)(A))

**Sec. 62-83. Submittal to council.**

(a) Upon receipt of the recommendation of the planning commission by the council, the council shall have the authority to hold such further hearings on the proposed plat as it shall determine, and upon such notice as it shall provide.

(b) If the council is not satisfied with the final plat as presented, it may: disapprove the same; set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or refer the same to the planning commission for such further action as it shall determine. Upon such referral, the planning commission shall act thereon at its next meeting and report back to the council not later than 45 days after the referral.

(c) If the council shall determine to accept the plat, it shall by resolution so determine, and the resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, parks and other spaces dedicated to public purposes.

(d) The action of the council finally determining the matter shall be communicated by the clerk to the subdivider, and if the plat be disapproved the clerk shall set forth the reasons given by the council for such determination.

(Code 1977, § 18.02(2)(B))

**Sec. 62-84. Required data.**

(a) *Filing.* The owner or subdivider shall submit a final plat together with any necessary supplementary information. The original and four copies of the final plat shall be submitted; one of the four copies shall be on a reproducible medium and will be retained by the council.

(b) *Identification and description.* The final plat prepared for recording purposes shall be prepared in accordance with the provisions of state statutes and applicable city and county regulations and shall contain the following:

- (1) Name of the subdivision. Names shall not duplicate or too closely approximate the name of any existing subdivision.
- (2) 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 which must mathematically close. The allowable error of closure on any portion of a final plat shall be one foot in 7,500 feet.
- (3) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each

angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half inch or larger in diameter extending at least three feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter.

- (4) Location of lots, streets, 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. Dimensions shall be shown from all angle points and points of curve to lot lines.
- (5) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
- (6) Lots shall be numbered clearly. If blocks are to be numbered, these shall be shown clearly in the center of the blocks.
- (7) Building setback lines on front and side streets with dimensions.
- (8) Name and address of developer and surveyor making the plat.
- (9) Scale of plat to be shown graphically and in feet per inch, date and north point.
- (10) Statement dedicating all easements as follows:  
Easements for installation and maintenance of utilities and drainage facilities are reserved

over, under and along the strips marked ``utility easements.''

(11) 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.

(12) Statement establishing building setback lines as follows: Building setback lines are hereby established and shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line.

(Code 1977, § 18.04(1), (2))

**Sec. 62-85. Certification required.**

The following certifications are required on final plats:

- (1) Notarized certification by the owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.
- (2) Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by him and that the monuments and markers shown therein exist as located and that all dimension and geodetic details are correct.
- (3) Certification showing that all taxes and all special assessments due on the property have been paid in full.
- (4) Space for a certificate of approval to be filled in by the signatures of the mayor and clerk. The form of approval by the council shall be as follows:

``Approved by the City of Grand Marais, Minnesota,  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.''

Signed: _____ Mayor	
Signed: _____ City Clerk	

(5) Space for certificate of approval by county authorities as required.

(Code 1977, § 18.04(3))

**Sec. 62-86. Supplementary documents and information.**

The final plat shall be accompanied by the following supplementary documents and information:

- (1) A complete set of street profiles showing grade lines as constructed.
- (2) Copies of any private restrictions or protective covenants affecting the subdivision or any part thereof.

(Code 1977, § 18.04(4))

**Secs. 62-87--62-105. Reserved.**

**ARTICLE IV. DESIGN STANDARDS**

**Sec. 62-106. Blocks.**

(a) *Block length.* In general, intersecting streets, determining block lengths, shall be provided at such

intervals as to serve cross traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed 1,000 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements within a block may be required. The width and location of such pedestrian ways shall be subject to the approval of the council. Blocks for business or industrial use should normally not exceed 600 feet in length.

(b) *Block width.* The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(Code 1977, § 18.05(1))

#### **Sec. 62-107. Streets and alleys.**

(a) Arrangement of arterials and collector streets shall conform as nearly as possible to the city comprehensive plan. Except for dead-end streets, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of surface water, to public convenience and safety, and their appropriate relation to the proposed use of the area to be served.

(b) Minor streets should be so planned as to discourage their use by nonlocal traffic. Dead-end streets shall be permitted where topography or other conditions justify their use. Dead-end streets shall not be longer than 500 feet, including a terminal turnaround, which shall be provided at the closed end, with a right-of-way radius of not less than 60 feet.

(c) Where the plat to be submitted includes only part of the tracts owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(d) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

(e) Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be 80 degrees. Street intersection jogs with an offset of less than 125 feet shall be avoided.

(f) Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or state highway, provision may be made for a marginal access street approximately parallel with and adjacent to the boundary of such right-of-way, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, grade crossings or lot depths.

(g) Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than 14 feet wide for residential alleys and not less than 20 feet for commercial and industrial alleys. Dead-end alleys shall not be permitted.

(h) Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest.

(i) For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets shall be as shown in the comprehensive plan and where not shown therein, the minimum right-of-way width for streets, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

- (1) Arterial street: 100 feet.
- (2) Collector street: 66 feet.
- (3) Minor street: 66 feet.
- (4) Marginal access street: 50 feet.
- (5) Residential alley: 14 feet.
- (6) Industrial commercial alley: 20 feet.
- (7) Pedestrian way: 10 feet.

Where existing or anticipated traffic on arterial streets warrants greater width of rights-of-way, these shall be required.

(j) Street grades. The grades in all streets and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

- (1) Arterial streets: 5 percent.
- (2) Collector streets: 6 percent.

(3) Minor streets: 10 percent.

(4) Alleys: 10 percent.

In addition, there shall be a minimum grade on all streets of not less than four-tenths of one percent.

(k) All streets shall be so laid out as to avoid dangerously sharp corners or curves or abrupt or unnecessary changes in grade.

(l) All proposed streets shall be offered for dedication as public streets. No private streets shall be permitted, except as set forth in other ordinances.

(Code 1977, § 18.05(2))

**Sec. 62-108. Lots.**

(a) The minimum lot area, width and depth shall not be less than that established in the zoning ordinance.

(b) Corner lots for residential use shall have an additional width to permit appropriate building setback from both streets as defined in the zoning ordinance.

(c) Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(d) Double-frontage lots shall be avoided except where lots back on an arterial street, or where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(e) Every lot must have at least the minimum required frontage on a public dedicated street other than an alley.

(f) If no zoning provision is applicable to a particular tract, each lot shall have the following minimum dimensions:

(1) Width:

- a. Residential: 60 feet.
- b. Commercial: 40 feet.
- c. Industrial: 100 feet.

(2) Depth:

- a. Residential: 135 feet.
- b. Commercial: 100 feet.
- c. Industrial: 150 feet.

(3) Area:

- a. Residential: 7,500 square feet.
- b. Commercial: 4,000 square feet.
- c. Industrial: 15,000 square feet.

(Code 1977, § 18.05(3))

**Sec. 62-109. Easements.**

(a) Easements across lots or centered on rear or side lines shall be provided for utilities and drainage where necessary and shall be at least 20 feet wide. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

(b) Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the council by ordinance, upon the recommendation of the planning commission.

(c) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, a stormwater easement, drainage right-of-way or park dedication, whichever the council may deem the most adequate, conforming substantially with the lines of such watercourses, shall be provided, together with such further width or construction, or both, as will be adequate for the surface water drainage of the area. The width of such easements shall be determined by the council.

(Code 1977, § 18.05(4))

**Sec. 62-110. Public sites and open spaces.**

In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, conservation areas, or other public or semipublic recreational areas or open spaces. Areas so dedicated or reserved shall conform as nearly as possible to the comprehensive plan. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

(Code 1977, § 18.05(5))

**Secs. 62-111--62-130. Reserved.**

**ARTICLE V. IMPROVEMENTS**

**Sec. 62-131. Agreement; financing.**

(a) *Approval.*

(1) Before a final plat may be approved by the council, the owner shall execute and submit to the council an agreement, which shall be binding on his heirs, personal representatives and assigns, that he shall cause no private construction on the land except

with approval of the council, until all improvements required under this article have been petitioned for, arranged for, or have been constructed.

- (2) No final plat shall be approved by the council without first receiving adequate proof that the improvements required in this article, together with the agreements and documents required herein, will meet the minimum requirements of all applicable provisions of this Code.
- (3) A certified copy of the plat restrictions shall be filed with the clerk and the register of deeds, which shall include a provision that in all instruments of sale or conveyance given before all street and utility improvements have been made, the grantee shall agree to and approve such improvements and the assessments of their cost.

(b) *Financing by developer.* If deemed advisable and to be in the best interests of the city, the council may require the developer to finance and pay for any and all improvements. The council may, in lieu of the completion of such work before the final approval of the plat, require a contract secured by cash deposit, certified check, or a bond in an amount and with surety and conditions satisfactory to the council, to assure the city that such improvements and utilities will be actually constructed and installed according to the specifications approved by the council as expressed in the contract.

(Code 1977, § 18.06(1))

**Sec. 62-132. Required improvements.**

(a) The following improvements shall be constructed as provided for in this article: street grading, water mains, sewer mains and storm sewer mains; provided, that water mains, sewer mains and storm sewer mains shall not be required in any area outside the city when no connecting main is available. The council may waive the requirements

regarding water mains, sewer mains or storm sewer mains in any proposed subdivision within the city when it considers the requirement to be impracticable.

(b) All sidewalks, trees, and other improvements of a public nature or abutting upon a public right-of-way, if installed by the developer, shall be installed in accordance with specifications of the council.

(Code 1977, § 18.06(2))