

Ordinance #78
City of Vernon Center Subdivision Ordinance

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LANDS, PROVIDING FOR THE PREPARATION OF PLATS AND THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS, ESTABLISHING PROCEDURES FOR THE APPROVAL AND RECORDING OF PLATS, AND REGULATING SUBDIVISIONS.

Section 1. Purpose. The purpose of this ordinance is to provide for the benefit of the City of Vernon Center and all the residents by addressing an orderly development of real estate within the City. The further purpose of this ordinance is to inform developers as to the expectations of the City of Vernon Center and to assist residents and land owners in the orderly transfer of the ownership of real estate they may own by avoiding the use of metes and bounds descriptions to identify real estate parcels within the City of Vernon Center.

Section 2. Definitions. As used in this ordinance, the following terms are hereby defined:

Alley—A public right of way which affords a secondary means of access to abutting property.

Block—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.

City—The City of Vernon Center.

City Council—The governing body of the City of Vernon Center.

City Engineer—The engineer designated by the City Council to furnish engineering assistance for the administration of this ordinance.

Concept Plan—A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general conclusions with the Planning Commission as to the form of the plat and objectives of this ordinance.

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

Easement—A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, and gas lines.

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

Owner—Any individual, firm, association, co-partnership, public or private corporation, trust, or any other legal entity having title to or an ownership interest in real estate.

Parks and Playgrounds—Public lands and open spaces in the City dedicated or reserved for recreation purposes.

Percentage of Grade—The rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The center line of a street shall be used to determine the street rise of grade.

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

Planning Commission—The City of Vernon Center Planning Commission.

Plat—The drawing or map of a subdivision prepared for filing of record and containing all elements and requirements of this ordinance.

Plat, final—A finished drawing or map showing completely and accurately all legal and engineering information and certification necessary for recording with the County.

Plat, preliminary—A preliminary drawing or map indicating the proposed layout of a subdivision, but not in final form for recording, to be submitted to the Planning Commission for its consideration.

Protective Covenants—Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

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

Street, arterial—A street or highway with access restrictions designed to carry large volumes of traffic between various sections of the City and beyond. It has a secondary function of providing access to abutting land.

Street, collector—A street which carries traffic from local streets to arterials. It provides access to abutting property.

Street, cul-de-sac—A street turn around with only one outlet.

Street, half—A street having only half of its intended roadway width developed to accommodate traffic.

Street, local—A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood and ideally leading into collector streets.

Street, private—A street serving as vehicular access to one or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

Street, service—Marginal access street otherwise designated as a minor street, which is parallel and adjacent to a thoroughfare which provides access to abutting properties and avoids through traffic.

Street Width—The shortest distance between lines of lots delineating the street right-of-way.

Subdivider—Any person, firm, corporation, or partnership causing land to be divided, subdivided, or platted into a subdivision.

Subdivision—The division of an area, parcel, or tract of land into one (1) or more parcels, tracts, or lots for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. This term includes resubdivision and, where it is appropriate to the context, related either to the process of subdividing or to the land subdivided.

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

Tangent—A straight line departing from a curve which is perpendicular to the radius of that curve.

Tract—A parcel of land intended for division or development of a subdivision.

U.S.G.S.—Refers to the United States Geodetic Survey.

Vertical Curve—The surface curvature on a street center line located between lines of different percentage of grade.

Zoning Ordinance—The zoning code controlling the use of land as adopted by the City of Vernon Center.

Section 3. Concept Plan

Subdiv. 1. Procedure. Prior to the filing of application of a preliminary plat, the owner or owners representative shall meet with the City Planning Commission for informal

discussion of the proposed plat. The owner will be asked to submit a sketch plan showing that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and development, and to the topography of the site. The Planning Commission shall, on the basis of the sketch plan, advise as to the extent which the proposed subdivision concept conforms to this ordinance and other applicable City ordinances and suggest possible plan modifications necessary to obtain approval of the proposed plan.

Subdiv. 2. Information Required. The concept plan shall contain the following information:

- a. The location of that portion which is to be subdivided in relation to the entire tract and the existing street pattern.
- b. All existing structures, wooded areas, streams, and other significant physical features within the portion to be subdivided. All bench marks shall be referenced to local datum or U.S.G.S. if available.
- c. The name of the owner and all adjoining property owners as disclosed by the most recent tax records.
- d. All utilities available and all streets which are either proposed, mapped, dedicated or built.
- e. Proposed pattern of lots and street layout.

Section 4. Preliminary Plat.

Subdiv. 1. Filing. Before dividing any tract of land into one or more lots or parcels, an owner or subdivider shall engage a qualified land planner or registered land surveyor or engineer to prepare a preliminary plat and file three (3) copies of the preliminary plat with the City Clerk-Treasurer, together with any necessary supplemental information requested.

Subdiv. 2. Information Required. The preliminary plat shall contain the following information:

- a. Proposed name of subdivision. The name shall not duplicate or too closely resemble the name of any existing subdivision.
- b. Location of boundary lines in relation to section or quarter section lines and adjacent corporate boundaries, comprising a legal description of the property.
- c. Names and addresses of the developer and the designer making the plat.
- d. Scale of plat, not less than one (1) inch to one hundred (100) feet.
- e. Date and north point.
- f. Existing conditions including:
 1. Location, width and name of each existing or platted street or other public way, railroad, right-of-way, utility right-of-way, parks and other public open spaces, and permanent buildings within or adjacent to the proposed subdivision.
 2. 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 and dashed lines. Also, any revised or vacated roadways or the original plat shall be so indicated.

3. All existing sewers, water mains, gas mains, culverts, or other underground installations within the proposed subdivision or immediately adjacent with pipe size, grades, and locations shown.
 4. Names of adjacent subdivisions and owners of adjacent parcels of undivided land.
 5. Topography with contour intervals of not more than two (2) feet related to the U.S.G.S. datum. Also the location of water courses, ravines, bridges, lakes, wooded areas, approximate acreage, and other such features as may be pertinent to subdivision.
- g. Proposed Developments
1. The location and width of proposed streets, roadways, alleys, pedestrian ways and easements.
 2. The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas, and power lines.
 3. Layout, numbers, and approximate dimensions of lots and the number of each block.
 4. 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.
 5. Building setback lines with dimensions.
 6. Indication of any lots on which use other than residential is proposed by the subdivider.
- h. Supplemental Requirements.
1. Two (2) copies of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line of the street. The location of proposed culverts and bridges shall also be shown.

Subdiv. 3. Preliminary Plat Review and Approval/Disapproval.

- a. Upon receipt of the above information, the City Clerk-Treasurer shall place the proposed plat on the agenda of the Planning Commission meeting at which consideration is requested.
- b. A public hearing shall be held on the preliminary plat application. Notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City at least ten (10) days prior to the day of the hearing. Notification shall also be mailed to the subdivider and owner(s) of the property within 350 feet of the land within the plat.
- c. Within sixty (60) days after the preliminary plat has been filed and all information requested has been received, the Planning Commission will hold a public hearing on the preliminary plat. Approval or disapproval of the preliminary plat will be conveyed to the subdivider in writing within ten (10) days of the public hearing of the Planning Commission at which such plat was considered. In case the plat was disapproved, the subdivider will be notified of the reason for such action and what requirements will be necessary to meet the approval of the Planning Commission.

The Planning Commission shall recommend denial of, and the City Council shall deny approval of the preliminary plat if it makes any of the following findings:

1. That the proposed subdivision, including the design, is in conflict with any component of this ordinance or any other ordinance of the City.
 2. That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, are such that the site is not suitable for the type of development or use contemplated.
 3. That the site is not physically suitable for the proposed density of development.
 4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
 5. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
 6. That the design of the subdivision or the type of improvements will conflict with easements of record.
- d. After review and approval of the preliminary plat by the Planning Commission, the preliminary plat and the recommendations of the Planning Commission shall be submitted to the City Council for approval. Approval or disapproval of the preliminary plat shall be made by the City Council within sixty (60) days and be conveyed to the subdivider in writing within ten (10) days after the meeting of the City Council. If the preliminary plat is disapproved, the subdivider shall be notified in writing of the reason for such action and what requirements will be necessary to meet the approval of the City Council. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is an authorization to proceed with the preparation of the final plat. This approval of the preliminary plat shall be effective for a period of one (1) year, unless an extension is granted by the City Council. If the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval.

Section 5. Final Plat.

Subdiv. 1. Filing. After approval of the preliminary plat, the subdivider shall have a registered land surveyor prepare a final plat which the subdivider proposes to develop and record. The final plat and any supplemental information needed shall be filed with the City Clerk-Treasurer fifteen (15) days prior to the meeting of the Planning Commission. Four (4) copies of the final plat shall be furnished.

Subdiv. 2. Information Required. The final plat prepared for recording purposes shall be prepared in accordance with provisions of state statutes and county regulations and shall contain the following information:

- a. Name of subdivision. The name shall not duplicate or too closely resemble the name of an existing subdivision.

- b. Location of subdivision. Location shall be given by section, township, range, county and state, and shall include descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must mathematically close.
- c. 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 lot and every block or portion of a block, point of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker is deemed to be a steel rod or pipe, one half (1/2) inch or larger in diameter extending at least three (3) 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.
- d. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and tenth of feet, with the length 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 of curve to lot lines.
- e. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
- f. The exact locations, width, and names of all streets to be dedicated.
- g. Location and width of all easements to be dedicated.
- h. Boundary lines and descriptions of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
- i. Building setback lines on front and side streets with dimensions.
- j. Name and address of developer and surveyor making the plat.
- k. Scale of plat (to be shown graphically and in feet per inch), date, and north point.
- l. Statement dedicating all easements as follows: "Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along strips marked "utility easements".
- m. 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."
- n. Statement establishing building setback lines as follows: "Building setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line."

Subdiv. 3. Certifications Required on Final Plat

- a. Notarized certification by owner and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.
- b. Notarized certification by registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.

- c. Certification showing that all taxes and special assessments due on the property have been paid in full.

Subdiv. 4. Forms of Approval Required on the Final Plat

- a. Form of approval by the City Council as follows:

Approved by the City Council of the City of Vernon Center, Minnesota,
this ____ day of _____, 20__.

Signed: _____

Mayor

Attest: _____

City Clerk-Treasurer

- b. Form of approval of the Planning Commission as follows:

Reviewed by the Planning Commission of the City of Vernon Center,
Minnesota, this ____ day of _____, 20__.

Signed: _____

Chairman

Secretary

- c. Form of approval by the County Auditor and Recorder are per county requirements.
- d. Form of certificate required if land abuts county or state highway.
1. As per MN Statues 505.3, Subdiv. 2, submit plat to and receive written comments and recommendations from the Commissioner of Transportation and the Blue Earth County Highway Engineer.

Subdiv. 5. Approval or Disapproval of Final Plat

- a. Approval or disapproval of the final plat shall be made within sixty (60) days of submission to the Planning Commission. The decision of the Planning Commission shall be conveyed to the subdivider in writing within ten (10) days after the meeting at which such plat was considered. If the plat was disapproved, the subdivider shall be notified in writing of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.
- b. When the final plat meets all the conditions of this ordinance, the Planning Commission shall recommend approval to the City Council and the City Council shall act on the recommendation. Subdivision application shall be granted final approval within sixty (60) days if the applicant has complied with all applicable provisions of this ordinance and all stated conditions of preliminary plat approval. This final approval shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, or other open spaces dedicated to public purposes. If disapproved, the

grounds for refusal to approve a plat shall be reported in writing to the person or persons applying for such approval.

- c. Before the City signs a final plat and before the developer constructs any of the required improvements as stated in Section 8, the developer shall enter into a written agreement with the City which shall be entitled "Subdivision Development Agreement". This agreement shall set forth the obligations of the subdivider and the obligations of the City.

Section 6. Design Standards.

Subdiv. 1. General Design.

- a. The design of all streets shall be considered in their relation to existing and planned streets, to circulation of traffic, to topographic conditions, to run-off of storm water, and to the proposed uses of the area to be served.
- b. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
- c. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being divided, then the new streets shall be carried to the boundaries of such unsubdivided land.
- d. Drainage shall be provided for in the subdivision by adequate storm drains or by maintenance of natural drainage channels.
- e. All streets shall have curb and gutter and sidewalk.
- f. Cul-de-sacs shall have a minimum right-of-way radius of sixty (60) feet.
- g. Street right-of-way widths shall be 66 feet.

Subdiv. 2. Block Standards.

- a. Block lengths shall not exceed 800 feet, and shall not be less than 300 feet, unless the entire subdivision length is less than 300 feet.
- b. Residential blocks shall be of sufficient width for two tiers of lots.

Subdiv. 3. Alleys.

- a. 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 fifteen (15) feet wide for residential alleys and not less than twenty five (25) feet wide for commercial and industrial alleys. Dead-end alleys shall not be permitted, except that this requirement may be waived where an adequate turn-around is provided.

Subdiv. 4. Half Streets.

- a. Dedication of half streets will not be approved.

Subdiv. 5. Lot Standards.

- a. All lots shall follow the lot area and lot width requirements and setback standards for buildings as required by the current City zoning ordinance.

- b. Corner lots may have extra width and sufficient depth for establishing a building setback on both streets.
- c. Side lot lines shall be substantially at right angles or radial to the street line.

Section 7. Easements.

- a. An easement for utilities including electric transmission lines and telephone transmission lines, at least six (6) feet wide, shall be provided along each side of a rear lot line of lots and along any other lot line as may be deemed necessary to form a continuous right-of-way, at least ten (10) feet in width. 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 recommendation of the Planning Commission and the approval of the City Council.
- c. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.

Section 8. Required Improvements.

- a. The subdivider shall submit engineering plans and specifications satisfactory to the City for all required improvements as listed or specified in this ordinance. These improvements must be initiated within one (1) year of final plat approval and completed within two (2) years.
- b. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with durable iron or steel monuments meeting the minimum requirements of state law. The City may, when a subdivision is essentially complete, require a development to have the plat restaked to replace the original monuments destroyed or obliterated during the construction process.
- c. As a rule, the surface water discharge rate from the subdivision is to be retained at the predevelopment rate for a 100 year, 24 hour storm event through the use of surface water detention/retention facilities of other appropriate means as approved by the city engineer.
- d. Every street shall have an adequate sub-base and shall be improved with a bituminous or concrete surface in accordance with the design standards specified by the City.
- e. Concrete curb and gutter shall be required before streets will be paved.
- f. Sidewalks shall be required.
- g. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision.
- h. Water distribution mains, including fire hydrants, shall be installed to serve all properties in the subdivision where a connection is available at or reasonably near the boundary of the subdivision.

- i. Sanitary sewer mains and service connections shall be installed to serve all properties in the subdivision where a connection to the City sewer system is available at or reasonably near the boundary of the subdivision.
- j. Storm sewers shall be constructed to serve all properties in the subdivision where a natural outlet is available or where a connection to the City storm sewer system is available at or near the boundary of the subdivision.
- k. All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles. Where telephone, electric and/or natural gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such manner so as not to conflict with other underground services. All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.
- l. Street lighting of a type approved by the City shall be required at intersections and other locations.
- m. Street signs of standard design approved by the City shall be installed at each street intersection.

Section 9. Variances.

- a. The Planning Commission may recommend a variance from the provisions of this ordinance when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Planning Commission shall prescribe any conditions that it deems necessary to or desirable for the protection of the public interest. In making its findings, 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.
- b. No variance shall be granted unless the Planning Commission finds the following:
 1. There are special circumstances or conditions affecting said property that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his/her land.
 - a. The granting of a variance will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

Section 10. Registered Land Surveys

- a. All registered land surveys filed with the City Clerk shall be subject to the same procedure as required for the filing of a plat. Unless the governing body shall approve, a registered land survey shall not be used to divide the parcel of land into tracts for the purpose of transfer of ownership or building development, if any of the tracts do not have the minimum lot area or required frontage on a dedicated public street.

Section 11. Compliance.

- a. After the adoption of this ordinance, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision except in accordance with the provisions of this ordinance.

Section 12. Violations and Penalty

- a. 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 City unless said plan, plat, or replat shall have first been recorded in the office of the County Recorder. The subdivider shall record the final plat with the County Recorder within 90 days after final plat approval, or approval of the final plat is considered void.
- b. It shall be unlawful to receive or record in any public office any plans, plats, or replats 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 this ordinance, unless the same shall bear by endorsement or otherwise the approval of the Planning Commission and the City Council.
- c. Anyone violating any of the provisions of this ordinance shall be guilty of a misdemeanor. Each month during which compliance is delayed shall constitute a separate offense.

Section 13. Conflict.

- a. When there is a difference between minimum standards or dimensions stated herein and those contained in other official regulations or ordinances of the City, the most restrictive standards shall apply.

Section 14. Validity.


- a. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 15. Effective Date.

- a. This ordinance shall become effective after its final passage, approval, and publication of a brief summary of its contents as provided by law.

Passed by the Vernon Center City Council this 1st day of March, 2004.


Justin Davis, Mayor


Patricia Krosch, City Clerk-Treas.