

## CHAPTER 153: SUBDIVISIONS

### Section

#### *General Provisions*

- 153.01 Purpose
- 153.02 Applicability of provisions; geographical limits
- 153.03 Definitions
- 153.04 Public sites and open spaces
- 153.05 Registered land surveys
- 153.06 Variances
- 153.07 Non-residential subdivisions; waiver of requirements and payments

#### *Preliminary Plan and Final Plat Approval*

- 153.20 Approval required
- 153.21 Preliminary plan contents
- 153.22 Preliminary plan procedure and approval
- 153.23 Preliminary plan approval qualifications
- 153.24 Final plat contents
- 153.25 Final plat procedure and approval

#### *Design Standards*

- 153.35 City Plan conformity
- 153.36 Street plan
- 153.37 Streets
- 153.38 Alleys
- 153.39 Intersections
- 153.40 Curbs and gutters
- 153.41 Sidewalks
- 153.42 Pedestrian ways
- 153.43 Water supply
- 153.44 Sewage disposal
- 153.45 Drainage
- 153.46 Easements
- 153.47 Street trees
- 153.48 Street names
- 153.49 Blocks
- 153.50 Lots
- 153.51 Waiver of minimum standards

### ***Required Improvements***

- 153.65 Required improvements agreement
- 153.66 Cost allocation agreement
- 153.67 Bond or deposit for incomplete work
- 153.68 Construction plans; approval
- 153.69 Inspections; certificate of compliance
- 153.70 Improvements completed prior to approval of final plat

***Cross-reference:***

*Planning Commission, see § 152.01 et seq.*

*Community unit development, see § 154.027 and § 154.040 et seq.*

### ***GENERAL PROVISIONS***

#### **§ 153.01 PURPOSE.**

Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivisions, without correlation to the City Plan, will bring a disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesale community environment, adequate municipal services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of the city shall, in all respects, fully comply with the regulations hereinafter set forth. In their interpretation and application the provisions of these regulations shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare. ('75 Code, § 19.601)

#### **§ 153.02 APPLICABILITY OF PROVISIONS; GEOGRAPHICAL LIMITS.**

The rules and regulations governing plats and subdivisions of land contained herein shall apply within the city and to land within one mile of its corporate limits except when:

(A) Each division consists of parcels having an area of 2½ acres or of parcels without a frontage on a public right-of-way measuring 150 feet or more and when such division does not necessitate the dedication of a public right-of way;

(B) The division is within 1 mile jurisdictional limit where only those regulations applying to the dedication of public rights-of-way and other public lands as indicated on the Comprehensive City Plan shall apply;

(C) A lot which is part of a plat recorded in the office of the Register of Deeds of the county is to be divided and the division will not cause any structure on the lot to be in violation of the

required yards, or the lot to be in violation of the required area or dimension. It is not intended by the regulations to repeal, abrogate, annul, or in any way impair or interfere with private restrictions placed upon property by deed, covenant, or other private agreements which are equal to or more restrictive, or with restrictive covenants running with the land to which the city is a party, except that the most restrictive shall apply. ('75 Code, § 19.602)

### **§ 153.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A minor way which is used primarily for vehicular service access to the back or side of properties abutting on a street.

**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 by a combination of the above with a river or lake.

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

**BUTT LOT.** A lot at the end of a block and located between two corner lots.

**CITY PLAN.** A comprehensive plan adopted by the Council indicating the general locations recommended for the various functional classes of public works, places, and structures, for the general physical development of the city, and includes any unit or part of such Plan separately adopted and any amendment to such Plan or parts thereof.

**COLLECTOR STREET.** A street which carries traffic from minor streets to thoroughfares or from thoroughfare to thoroughfare. It includes the principal entrance streets of a residential development and streets for circulation within such a development.

**CULL-DE-SAC.** A minor street with only one outlet and having a turn around.

**EASEMENT.** A grant by an owner of land for the specific use of said land by the public generally, or to a person or persons.

**FINAL PLAT.** The final map drawing or chart on which the subdivisor's plan or subdivision is presented to the Council for approval and which, if approved, will be submitted to the County Register of Deeds or Register of Titles. The plat must conform to all state laws.

**LOT.** A parcel of land consisting of one or more portions of lots as designated on a plat recorded in the office of the Register of Deeds of the county, or a parcel of land designated by metes and bounds by a registered land surveyor, or on auditor's plats and with such designation being recorded in the office of the Register of Deeds prior to the effective date of these regulations.

**MINIMUM SUBDIVISION DESIGN STANDARDS.** The guides, principals, and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

**OWNER.** Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**PEDESTRIAN WAY.** The right-of-way across or within a block for use by pedestrian traffic whether designated as a pedestrian way, crosswalk, or however otherwise designated.

**PERSON.** Any individual, firm, association, syndicate or partnership, corporation, trust, or other legal entity.

**PLANNING COMMISSION.** The Benson Planning Commission.

**PRELIMINARY PLAN.** The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and Council for their consideration, in compliance with the City Plan and these regulations, along with required supporting data.

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

**SERVICE STREET.** A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

**STREET.** A way for vehicular and pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, land place, or however otherwise designated.

**STREET WIDTH.** The shortest distance between the lines delineating the right-of-way of a street.

**SUBDIVIDE.** Any person commencing proceedings under these regulations to effect a subdivision of land hereunder for him- or herself or for another.

**SUBDIVISION.** The division of a parcel of land into two or more lots or parcels, any of which resultant parcels is less than 2½ acres in area, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term includes resubdivision, and when appropriate to the context shall relate to the process of subdividing or to the land subdivided.

**THOROUGHFARE.** A street primarily designated to carry large volumes of intercity and intercity traffic. ('75 Code, § 19.603)

#### **§ 153.04 PUBLIC SITES AND OPEN SPACES.**

Where a proposed park, playground, school site, or other public site as shown on the Comprehensive City Plan is embraced in part or in whole by the boundary of a proposed subdivision and such public site is not dedicated to the city or Board of Education, such public ground shall be reserved and no action taken towards approval of the preliminary plan or final plat for a period not to exceed 90 days to allow the Council or Board of Education opportunity to consider and take action towards acquisition of such public ground or park by purchase or other means. ('75 Code, § 19.610)

#### **§ 153.05 REGISTERED LAND SURVEYS.**

All registered land surveys in the city shall be filed with the Clerk and be subject to the same procedure as required for the filing of a preliminary plan for platting purposes. The standards and requirements set forth in this chapter shall apply to all registered land surveys. Unless the Planning Commission and Council shall approve the registered land survey in accordance with this code, building permits on the tracts shall be withheld, tracts set aside for street purposes shall not be accepted, and no public money shall be spent towards installing utilities or improvements. ('75 Code, § 19.611) (Am. Ord. 1085.93, passed 11-4-93)

#### **§ 153.06 VARIANCES.**

(A) *Complete neighborhood.* The Council upon receiving a report from the Planning Commission may grant a variance from these regulations in case of a subdivision large enough to constitute a more or less self-contained neighborhood provided the Council receives adequate safeguards to assure development according to a plan. Said plan shall not be in conflict with the Major Street Plan and shall in the opinion of the Council provide adequate public open space and be a desirable community development.

(B) *Minor subdivision.* In case of a subdivision of small size and of minor importance situated in a locality where conditions are well-defined, the Planning Commission may exempt the subdivide from complying with some of the requirements stipulated in § 153.21 pertaining to the preparation of the preliminary plan. In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation of this chapter or the zoning chapter, the division may be approved by the Council after submission of a survey by a registered land surveyor showing the original lot and the proposed division.

(C) *Factors in granting variances.* The Council may grant a variance upon receiving a report from the Planning Commission in any particular case where the subdivide can show that by reason of exceptional topography or other physical conditions strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations, or in any particular case where an owner or subdivide can show that strict compliance with these regulations is unreasonable. The Planning Commission and Council may take into consideration the present and possible future use of the property and the possible benefits that may inure to the city.

(D) *Application for variance.* Application for any such variance shall be made in writing by the subdivide at the time when the preliminary plat is filed for consideration by the Council stating fully 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 Council in the analysis of the proposed project. The plans for the development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

(E) *Recording of granted variances.* Any variance or modification thus granted shall be recorded in resolution form and entered in the minutes of the Council setting forth the reasons which justified the action. ('75 Code, § 19.612)

***Cross-reference:***

*Planning Commission; hearings on variances, see § 152.17*

**§ 153.07 NON-RESIDENTIAL SUBDIVISIONS; WAIVER OF REQUIREMENTS AND PAYMENTS.**

(A) *Modification or waiver of improvements.* Upon receipt of a report from the Planning Commission stating that any or all of the specific site requirements enumerated below are not necessary on a non-residential subdivision, the City Council may modify or waive any or all such requirements:

- (1) Installation of monuments;
- (2) Grading of streets and alleys;
- (3) Construction of bases and sub-bases for streets and alleys;
- (4) Installation of permanent curbs and gutters;
- (5) Water supply;
- (6) Sewage disposal;
- (7) Drainage;

(8) Sidewalks.

(B) *Modification or waiver of payment methods.* It is further established that upon receipt of a report from the Planning Commission recommending the modification of or waiving of any and all payment methods, the City Council may modify or waive any or all such payment methods for the payment of improvements enumerated in (A) above in non-residential subdivisions.

(C) *Application and approval for modifications or waivers.* Applications and approval for modifications or waivers of improvements and/or payment methods shall be made as set forth in § 153.06. ('75 Code, § 19.615)

### ***PRELIMINARY PLAN AND FINAL PLAT APPROVAL***

#### **§ 153.20 APPROVAL REQUIRED.**

Unless approved as a final plat as provided herein, no subdivision shall be entitled to be recorded in the County Register's office or have any validity; and the Building Inspector shall not issue building permits for any structure on a lot in any proposed subdivision. The Council shall not permit any public improvements to be installed unless the preliminary plan is approved and shall not permit any services until approval of the final plat. ('75 Code, § 19.604)

#### **§ 153.21 PRELIMINARY PLAN CONTENTS.**

The preliminary plan of the proposed subdivision shall contain or have attached thereto the following information:

(A) *Identification and description.*

(1) The proposed name of the subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county;

(2) A legal description of the property according to the records in the office of the County Register of Deeds;

(3) Names and addresses of the owner and any agent having control of the land, and the subdivider, surveyor, engineer, and designer of the plan;

(4) A graphic scale not less than one inch to 100 feet;

(5) A North point.

(B) *Existing conditions.*

(1) A boundary line survey including measured distances and angles which shall be tied to the nearest ¼-corner or section corner by traverse;

(2) Existing zoning classifications;

(3) The total acreage;

(4) The location and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements, and section and corporate lines within the preliminary plan and to a distance 100 feet beyond;

(5) The location and size of existing sewers, water mains, culverts, or other underground facilities within the preliminary plan area and to a distance of 100 feet beyond. Such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants shall also be shown;

(6) The boundary lines of adjoining unsubdivided land or subdivided land within 100 feet, identifying by name and ownership;

(7) Topographic data including contours at vertical intervals of not more than two feet, except where the horizontal contour interval is 100 feet or more, a one-foot vertical interval shall be shown. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown;

(8) U.S.G.S. (United States Geological Survey) datums shall be used for all topographic mapping. A copy of all proposed private restrictions shall be submitted.

(C) *Subdivision design features to be shown.*

(1) The layout of proposed streets showing right-of-way width and proposed names of streets;

(2) The location and widths of proposed alleys, pedestrian ways, and utility easements;

(3) Typical cross-sections of proposed improvements upon streets and alleys, together with an indication as to the method of disposing of the proposed storm water runoff;

(4) The approximate center-line gradients of proposed streets and alleys;

(5) The location, size, and approximate gradient of proposed sanitary sewer lines and water mains;

(6) The layout, numbers, and preliminary dimensions of lots and blocks;

(7) Areas, other than streets, alleys, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of such areas in acres.

(D) *Other information.*

(1) A statement of the proposed use of lots stating the type of residential buildings with the number of proposed dwelling units; and the type of business or industry so as to reveal the effect of the development on traffic, fire hazards, or congestion of population;

(2) The source of water supply;

(3) Provisions for sewage disposal, drainage, and flood control;

(4) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions. ('75 Code, § 19.606)

**§ 153.22 PRELIMINARY PLAN PROCEDURE AND APPROVAL.**

(A) Before dividing any tract of land into two or more lots or parcels, an owner or subdivide shall, unless a variance is authorized, file with the City Manager:

(1) Four copies of the preliminary plan;

(2) A cash fee for each lot shall be as may be adopted from time to time by Council resolution or ordinance. This fee will be used for the expenses of the city in connection with the approval or disapproval of said plan and any final plat which may thereafter be submitted;

(3) If the subdivide requests that any existing special assessments which have been levied against the premises described in the subdivision be divided and allocated to the respective lots in the subdivision plat, the Clerk shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the Council of such estimated cost the same shall be paid to the City Treasurer in addition to the fee mentioned in (2) above to cover the cost of preparing and filing the revised assessment.

(B) The preliminary plan shall be considered to have been officially filed on the date received by the City Manager in proper form.

(C) Upon receipt of a preliminary plan in proper form, the City Manager shall refer two copies to the Planning Commission. The Planning Commission shall set a public hearing on the preliminary plan to be held within 30 days of the filing date. Notice of the hearing shall be published in the official newspaper of the city at least five days prior to the hearing.

(1) One copy of the preliminary plan shall be provided to the City Engineer for his or her examination and report. The City Engineer shall give his or her report to the Planning Commission prior to the public hearing.

(2) The Planning Commission shall make its report to the City Council at the next Council meeting following the public hearing.

(D) The Council shall act on the preliminary plan within 30 days of receipt of the report of the Planning Commission or within 60 days of the date of official filing, whichever is earlier.

(E) The Council may by resolution accelerate the time limits contained in this section or waive any of the requirements set forth in (C) and (D) except that in no event shall the requirement of a public hearing be waived.

(F) If the preliminary plan is not approved by the Council, the reasons for such action shall be recorded in the minutes of the Council and transmitted to the applicant. If the preliminary plan is approved, such approval shall not constitute final acceptance of the subdivision. ('75 Code, § 19.605(1)) (Am. Ord. 1085.93, passed 11-4-93)

### **§ 153.23 PRELIMINARY PLAN APPROVAL QUALIFICATIONS.**

(A) The City Planning Commission when authorized to conduct the public hearing may return a conditional report to the City Council. The City Council may require such changes or revisions as it deems necessary for the health, safety, general welfare, and convenience of the city.

(B) The approval of a preliminary plan by the City Council is an acceptance of the general layout as submitted, and indicates to the subdivide that he or she may proceed toward fulfilling the necessary steps for approval of the final plat in accordance with the Council's approval.

(C) Subsequent approval will be required of the necessary engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, sidewalks, gas and electric service, grading, gradients and roadway widths, and the surfacing of streets by other public officials having jurisdiction prior to the approval of the final plat by the city.

(D) No plan will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the subdivide agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy and provide adequate street and lot drainage. ('75 Code, § 19.607)

**§ 153.24 FINAL PLAT CONTENTS.**

(A) *Generally.* The final plat shall be prepared by a land surveyor who is registered with the state and shall conform to subsection (B) hereof and §§ 153.35, 153.36, and 153.37(A), (B), and (H).

(B) *Information to be shown.* The following information shall be shown:

(1) Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alleys, easements, and areas to be reserved for public use. Dimensions of lot lines shall be shown in feet and hundredths;

(2) An identification system for all lots and blocks;

(3) Municipal, township, county, or section lines accurately tied to the lines of the subdivisions by distances and angles;

(4) Radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs;

(5) Accurate location of all monuments;

(6) Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full;

(7) Form of approval by City Council as follows:

Approved by the City Council of the City of Benson, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
City Clerk

(8) Form for approval by county authorities as required.  
(’75 Code, § 19.608)

**§ 153.25 FINAL PLAT PROCEDURE AND APPROVAL.**

(A) The owner or subdivide shall file five copies of the final plat not later than six months after the date of approval of the preliminary plan; otherwise the preliminary plan and final plat will be considered void unless an extension is requested in writing by the subdivide and for good cause granted by the Council. The owner or subdivide shall also submit at this time an up-to-date certified abstract of title or registered property report or such other evidence as the City Attorney may require showing title and control in the applicant. The final plat will have incorporated all

changes or modifications required by the Council; in all other respects it shall conform to the preliminary plan. It may constitute only that portion of the approved preliminary plan which the subdivide proposes to record and develop at the time, provided that such portion conforms with all the requirements of these regulations, but such portion shall not be less than 320 lineal feet.

(B) The final plat shall be considered to have been officially filed on the date received by the City Manager in proper form.

(C) On the same date that it places the final plat on file the Council shall refer two copies of the final plat to the Planning Commission, one copy to the City Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report shall be referred to the City Attorney for his examination and report. The City Attorney's report shall be given to the Council within 15 days. The procedure and timing of reports of the Planning Commission and the City Engineer and action by the Council are the same as for the preliminary plan except that no public hearing is required in processing the final plat.

(D) If the final plat is approved by the Council, the subdivide shall record it with the County Register of Deeds or Register of Titles within 90 days after the date of approval; otherwise, the approval of the final plat shall be considered void.

(E) The subdivide shall immediately upon recording furnish the Clerk with a tracing and three prints of the final plat showing evidence of the recording, one for the Building Inspector, one for the Assessor, one for the Clerk, and the transparency for the City Engineer.

(F) Upon receiving approval of a final plat for a portion of the approved preliminary plan, the subdivide shall not be required to request a continuation of the city's recognition of the preliminary plan so as to maintain its approval.

('75 Code, § 19.605(2)) (Am. Ord. 1085.93, passed 11-4-93)

## ***DESIGN STANDARDS***

### **§ 153.35 CITY PLAN CONFORMITY.**

The proposed subdivision shall conform to the City Plan.  
(75 Code, § 19.609(1))

### **§ 153.36 STREET PLAN.**

(A) *Generally.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the City Plan and to these regulations, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, public convenience, and safety, and in their appropriate relation to the land to be served by such streets.

(B) *Continuation of existing streets.* The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.

(C) *Future projection of streets.* Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivisions at appropriate locations. ('75 Code, § 19.609(2))

**§ 153.37 STREETS.**

(A) *Widths.* All right-of-way widths and pavement widths (face to face to curb) shall conform to the following minimum standards:

<i>Classification</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>
Cull-de-sacs	50 foot radius	40 feet
Marginal access streets	40 feet	32 feet
All other streets	70 feet	44 feet
Major thoroughfares and major streets	As shown on the Major Street Plan	

(B) *Deflections.* When connecting street lines deflect from each other at any one point by more than 10°, they shall be connected by a curve with a radius of not less than 100 feet.

(C) *Grades.* All center-line gradients shall be at least 0.5% and shall not exceed the following:

<i>Classification</i>	<i>Gradient (in %)</i>
Major thoroughfares, major streets, and collector streets	4
Service streets	6

(D) *Vertical curves.* Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be 20 times the algebraic difference in the per cent of grade of the two adjacent slopes.

(E) *Street jogs.* Street jogs shall have a center-line offset of 150 feet or more when applied to minor streets or service streets; in all other cases they shall be avoided.

(F) *Cull-de-sacs.* The maximum length of cull-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to the end of the right-of-way.

(G) *Service streets.* Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the Council may require a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. The service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(H) *Half streets.* Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and except where the Council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract prior to the granting of access.

(I) *Reserved strips.* Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.

(J) *Private Streets.* Private streets shall not be approved nor shall public improvements be approved for any private street.

(K) *Hardship to owners of adjoining property avoided.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. ('75 Code, § 19.609(3))

### **§ 153.38 ALLEYS.**

(A) *Vocational requirements.* Either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas other than those zoned for multiple family use shall not be permitted.

(B) *Width.* All alley rights-of-way and pavement widths shall conform to the following minimum standards:

<i>Classification</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>
Industrial or commercial	24 feet	20 feet
Residential (two-way)	20 feet	16 feet
Residential (one-way)	16 feet	12 feet

(C) *Grades.* All center-line gradients shall be at least 0.5% and shall not exceed 6%. ('75 Code, § 19.609(4))

**§ 153.39 INTERSECTIONS.**

(A) *Angle of intersection.* The angle formed by the intersecting of streets shall not be less than 60° with 90° intersections preferred.

(B) *Size of intersection.* Intersections of more than four corners shall be prohibited.

(C) *Corner radii.* Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Roadways of alley-street intersections shall be rounded by a radius of not less than 6 feet. Corners at the entrance to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet. ('75 Code, § 19.609(5))

**§ 153.40 CURBS AND GUTTERS.**

Curbs and gutters shall be included as a part of the required street surface improvement and shall thus be designed for installation along both sides of all roadways in accordance with the standards of the city. ('75 Code, § 19.609(6))

**§ 153.41 SIDEWALKS.**

(A) *Widths.* All sidewalk widths shall conform to the following minimum standards:

<i>Classification</i>	<i>Width</i>
Single family zone	5 feet
Multiple family zone and public building site	6 feet
Commercial zone	10 feet
Industrial zone	6 feet

(B) *Grades.* Sidewalks shall slope ¼-inch per foot away from the property line and the profile grade shall not exceed 6%. ('75 Code, § 19.609(7))

**§ 153.42 PEDESTRIAN WAYS.**

In blocks over 900 feet long, pedestrian crosswalks through the blocks at least 10 feet wide may be required by the City Council in locations deemed necessary to public health, convenience, and necessity. ('75 Code, § 19.609(8))

**§ 153.43 WATER SUPPLY.**

Extension of the public water supply system shall be designed so as to provide public water service to each lot. The design of said extensions shall be in accordance with the standards of the city. ('75 Code, § 19.609(9))

#### **§ 153.44 SEWAGE DISPOSAL.**

Extensions of the public sanitary sewer system shall be designed so as to provide public water service to each lot. The design of the extensions shall be in accordance with the standards of the city. ('75 Code, § 19.609(10))

***Cross-reference:***

*Building sewers and connections, see § 52.30 et seq.*

#### **§ 153.45 DRAINAGE.**

A complete and adequate drainage system design may be required for the subdivision and shall include a storm sewer system, a system of open ditches, culverts, pipes, and catch basins, or both systems. Such system or systems shall be designed in conformity with all applicable standards of the city and so as to meet with its approval. ('75 Code, § 19.609(11))

***Cross-reference:***

*Sewers; storm water, unpolluted water, and the like, see § 52.50*

#### **§ 153.46 EASEMENTS.**

(A) *Provided for utilities.* Easements at least 12 feet wide and centered on rear and other lot lines shall be provided for utilities where necessary and shall be dedicated to the city by appropriate language in the owner's certificate. They shall have continuity of alignment from block to block, and at deflection points easements for poleline anchors shall be provided where necessary. Easements shall be provided along property lines from utility easements on rear lot lines to rights-of-way so as to provide for a street light interval not to exceed 500 feet.

(B) *Provided for drainage.* Easements shall be provided along each side of the center line of any water course or drainage channel, whether or not shown in the comprehensive City Plan, to a width of 50 feet to provide proper maintenance and protection and to provide for storm water run-off and installation and maintenance of storm sewers, and they shall be dedicated to the city by appropriate language in the owner's certificate. ('75 Code, § 19.609(12))

#### **§ 153.47 STREET TREES.**

Street trees when planted shall not be more than 40 feet apart with a minimum of two per lot. They should preferably be placed three to six feet inside the property line rather than in the boulevard. The minimum size and type to be planted shall conform to the provisions of the applicable ordinances of the city. ('75 Code, § 19.609(13))

### **§ 153.48 STREET NAMES.**

Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or alignment with the existing or platted street, in which event it shall bear the same name of the existing or platted street so in alignment. ('75 Code, § 19.609(14))

### **§ 153.49 BLOCKS.**

(A) *Factors governing dimensions.* Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by the zoning chapter and to provide for convenient access, circulation control, and safety of street traffic.

(B) *Length.* Block lengths shall not exceed 1800 feet.

(C) *Arrangement.* A block shall be so designed as to provide two tiers of lots, unless it adjoins a railroad, major thoroughfare, river, or park where it may have a single tier of lots. ('75 Code, § 19.609(15))

### **§ 153.50 LOTS.**

(A) *Location.* All lots shall abut by their full frontage on a publicly dedicated street that has received legal status as such.

(B) *Size.* The lot dimensions in subdivisions designed shall not be less than the minimum dimensions required to secure the minimum lot area specified in the zoning code of the city.

(C) *Corner lots.* Corner lots shall be platted at least 15 feet wider than interior lots.

(D) *Butt lots.* Butt lots shall be platted at least five feet wider than the average width of interior lots in the block.

(E) *Side lot lines.* Side lines of lots shall be substantially at right angles to the street line.

(F) *Watercourses.* Lots abutting upon a watercourse, drainage way, channel, or stream shall have such additional depth or width as required to assure house sites that are not subject to flooding.

(G) *Natural features.* In the subdividing of any land, regard shall be shown for all natural features such as tree growth, watercourses, historic spots, or similar conditions which if preserved will add attractiveness and stability to the proposed development.

(H) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots or a plan shown as to future use rather than allowed to remain as unusable parcels. ('75 Code, § 19.609(16))

## **§ 153.51 WAIVER OF MINIMUM STANDARDS.**

The City Council may, on its own motion, waive any of the minimum standards set forth in this subchapter if it finds that doing so is warranted by circumstances and is consistent with the purpose of these regulations.

('75 Code, § 19.609(17)) (Ord. 1085.93, passed 11-4-93)

## ***REQUIRED IMPROVEMENTS***

### **§ 153.65 REQUIRED IMPROVEMENTS AGREEMENT.**

(A) *Improvements listed and described; required agreements.* Prior to the approval of a final plat by the Council, the subdivide shall enter into an agreement with the city which sets forth the requirements for furnishing the following improvements on-site and the allocation of costs therefor:

(1) *Monuments.* Monuments of a permanent character shall be placed in locations on the boundary of the subdivision and within it as required.

(2) *Street and alley improvements.*

(a) *Grading.* The full width of the right-of-way of each street and alley dedicated in the plat shall be graded.

(b) *Pavement.* All streets and alleys shall have an adequate sub-base and base of at least 8 inches of gravel.

(3) *Curbs and gutters.* Permanent curbs and gutters shall be installed.

(4) *Water supply.* Water mains shall be provided to serve the subdivision by extension of the existing city system. Service connections stubbed into the property and all necessary fire hydrants shall also be provided.

(5) *Sewage disposal.* Sanitary sewer mains and service connections stubbed into the property line shall be provided to serve all the lots in the subdivision and shall be connected to the existing city sewer system, except that where connection to the city sewer system is not available in a street adjacent to or within the subdivision, the sewer system within the subdivision shall be installed and capped for future use. A variance to this requirement shall be granted if the grades for such sewers to the existing sewer system cannot be provided.

(6) *Drainage.* A system that will adequately take care of the water run-off within the subdivision shall be provided if the City Council, upon the recommendation of the Planning Commission, determines that it is feasible for the subdivide to install storm sewers connected to the existing storm sewer system of the city within or adjacent to the subdivision.

(7) *Sidewalks.* Sidewalks will be required on all lots facing city streets and shall be in place before occupancy of any home is permitted. Sidewalks shall be a minimum 5 feet wide and shall conform to standards herein set forth.

(B) *Additional terms of agreements.* The agreements required by (A) hereof shall include such terms as the City Council may require to ensure that all construction is done in a workmanlike and timely manner and in accordance with all requirements placed thereon by the city. ('75 Code, § 19.611(1), (4))

#### **§ 153.66 COST ALLOCATION AGREEMENT.**

(A) *Payments for installation of improvements.* The cost of required improvements to be furnished and installed shall be shared by the subdivide and the city as determined by the City Council. By mutual agreement between the city and the subdivide, the Council may assess the cost of curbs, gutters, in-drives, sidewalks, and bituminous mat against the lands benefitted in accordance with current assessment practices for a term not to exceed ten years.

(B) *Others costs.* All labor and material costs not specified in the agreement set forth in (A) hereof shall be borne by the subdivide, including all engineering and inspection for the above improvements. If any improvements installed within a subdivision will be of substantial benefit, as determined by the City Council, to land beyond the boundaries of the subdivision, the Council may make provisions for causing a portion of the improvement representing the benefit to such lands to be assessed against that land, and in such case the subdivide will be required only to pay for such portion of the whole cost of the improvement as will represent the benefit to the property within the subdivision. ('75 Code, § 19.611(2)-(3))

#### **§ 153.67 BOND OR DEPOSIT FOR INCOMPLETE WORK.**

The city may require the subdivide to furnish a performance bond in an amount determined by the City Council or in lieu thereof to make an escrow deposit in an amount equal to the total cost of the project not completed prior to approval of the final plat from which the city shall be entitled to reimburse itself for any cost or expense it incurs for completion of the work in case of default by the subdivide under said contract and for any damages sustained by the city as a result of such breach. Upon completion of the work and termination of any liability to the city of the subdivide under the contract, the balance remaining in said deposit shall be refunded to the subdivide. ('75 Code, § 19.611(5))

#### **§ 153.68 CONSTRUCTION PLANS; APPROVAL.**

Construction plans for the required improvements conforming in all respects with the standards of the City Engineer and the ordinances of the city shall be prepared at the subdivide's expense by a professional engineer who is registered in the state, and said plans shall contain his

or her seal. Such plans together with the quantities of construction items shall be submitted to the City Engineer for his or her approval and for his or her estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required by § 153.66 of this subchapter. The tracings of the plans approved by the City Engineer plus two prints shall be furnished to the city to be filed by the City Engineering Department.  
(’75 Code, § 19.611(6))

#### **§ 153.69 INSPECTIONS; CERTIFICATE OF COMPLIANCE.**

All improvements on the site that are to be installed under the provisions of this subchapter shall be inspected during the course of construction by the City Engineer at the subdivide's expense, and acceptance shall be subject to the City Engineer's certificate of compliance with the contract. (’75 Code, § 19.611(7))

#### **§ 153.70 IMPROVEMENTS COMPLETED PRIOR TO APPROVAL OF FINAL PLAT.**

Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this code only if the City Engineer shall certify that he or she is satisfied that the existing improvements conform to applicable city standards.  
(’75 Code, § 19.611(8))

***Editor's note:***

*Equivalent improvements are city design standards which are currently used by the City Engineer and are approved by resolution of the City Council*