

ORDINANCE NO. 6-5-2008-3

**AN ORDINANCE AMENDING
LAND SUBDIVISION REGULATIONS ORDINANCE NO. 1999-B, AS AMENDED,
ADOPTED BY REFERENCE AS CHAPTER 152
OF THE MELROSE CITY CODE**

THE CITY COUNCIL OF THE CITY OF MELROSE ORDAINS AS FOLLOWS:

SECTION 1. Land Subdivision Regulations Ordinance No. 1999-B, Section 505.03. Introduction, Subdivision 1. Title, Land Subdivision Regulations, Subd. 7. Definitions is hereby repealed, and in lieu of said subdivision is substituted the following:

Subd. 7. Definitions.

- (a) Alley - A public right-of-way less than 24 feet in width which affords a second means of vehicular access to abutting property.
- (b) 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.
- (c) Boulevard - The portion of the street right-of-way between street width and the property line.
- (d) Commission - Melrose Planning and Zoning Commission.
- (e) Comprehensive plan - A policy document which shall guide future physical development of the City entitled "City of Melrose Comprehensive Plan".
- (f) Concept plan or sketch plan - A preliminary plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to the City for consideration.
- (g) Contour map - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
- (h) Corner lot - A lot bordered on at least two sides by streets.
- (i) County - Stearns County, Minnesota.
- (j) Development - The act of building structures and installing site improvements.
- (k) Double frontage lots - Lots which have a front line abutting on one street and a back or rear line abutting on another street.
- (l) Drainage course - A water course or indenture for the drainage of surface water.
- (m) Easement - A grant by or from a property owner for the use of land for a specific purpose.
- (n) Improvements - Pavement, curb and gutter, sidewalk, sanitary sewer and water facilities, grading, street signs, plantings, storm sewers, drainage and other items for the welfare of property owners and/or the general public.
- (o) Key map - A map drawn to comparatively small scale which defines the area proposed to be platted and the areas surrounding it to a given distance.
- (p) Lot - A piece, parcel or plat of land separated from other parcels or portions by description.
- (q) Metes and bounds description - A description of real property which is not described by reference to a lot or block, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions.
- (r) Outlot - A lot remnant or parcel of land left over after platting, which is intended as open space

- or other future use, for which no building permit shall be issued.
- (s) Pedestrian way - A public right-of-way across or within a block intended to be used by pedestrians.
 - (t) Plat, final - A finished drawing or map prepared by a registered land surveyor showing completely and accurately all legal and engineering information and certification necessary for recording.
 - (u) Plat, preliminary - The preliminary map or drawing indicating the proposed layout of a subdivision in sufficient detail to indicate its workability in all aspects, but not in final form for recording, and not completely computed.
 - (v) Preliminary approval - Action taken by the City on an application to create a subdivision which establishes the rights and obligations of Minnesota Statutes Section 462.358 and these Regulations.
 - (w) Protective covenants - Contracts entered into between private parties and constituting a restriction on the use of private property for the benefit of the property owners.
 - (x) Right-of-way - The publicly owned land along a street or highway a portion of which is covered by the street or highway pavement.
 - (y) Streets - Public ways for vehicular traffic.
 - (1) Arterial street - 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.
 - (2) Collector street - a street which carries traffic from local streets to arterials. It provides access to abutting property.
 - (3) Cul-de-sac - a street turn-around with only one outlet.
 - (4) Half street - a street having only half of its intended roadway width developed to accommodate traffic.
 - (5) Local street - 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.
 - (6) Private street - 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.
 - (7) Service street - marginal access street, or otherwise designated, as a minor street, which is parallel and adjacent to a thoroughfare which provides access to abutting properties and avoids through traffic.
 - (z) Street width - For the purpose of these Regulations, the shortest distance between the lines delineating the right-of-way.
 - (aa) Subdivider- A person undertaking the subdivision or resubdivision of a tract or parcel of land.
 - (bb) Subdivision - The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land except where land is to be divided into lots or parcels of five acres or more for agricultural purposes and not involving a new street.
 - (cc) Subdivision minor - The subdivision of a parcel of land into 4 or less lots including the division of an existing platted tract, or the platting of a single parcel for the purpose of eliminating a metes and bounds description.
 - (dd) Zoning code - The Zoning Code controlling the use of land as adopted by the City.

SECTION 2. Land Subdivision Regulations Ordinance No. 1999-B, Section 505.05. Procedures for plat review/approval, Subd. 1. Preapplication meeting, paragraph (a) is hereby repealed, and in lieu of said paragraph is substituted the following:

Subd. 1. Preapplication meeting

- (a) Prior to the submission of any plat for consideration to the Commission, the subdivider shall meet with the Planning and Development Department to learn what shall be expected and to determine the relationship of the proposed subdivision with overall development objectives for the affected area.

SECTION 3. Land Subdivision Regulations Ordinance No. 1999-B, Section 505.05. Procedures for plat review/approval, Subd. 2. Preliminary plat approval, paragraphs (a) and (b) are hereby repealed, and in lieu of said paragraphs is substituted the following:

Subd. 2. Preliminary plat approval

- (a) The subdivider shall engage a qualified land planner, or registered land surveyor or engineer to prepare a Preliminary Plat and shall submit copies to the Planning and Development Department. The subdivider shall include, along with the Preliminary Plat, proof of ownership or title to the property, in the form of an attorney's title opinion or a commitment to issue an owner's title insurance policy from a title insurance company licensed to do business in the State of Minnesota, and a written statement describing the proposed subdivision. The written statement shall include the anticipated development of existing natural features and vegetation, and any other information required by these Regulations. The Planning and Development Department shall transmit copies to the Commission and the Public Works Director, and other appropriate officials for review and consideration. Copies shall also be submitted to the County Engineer if the plat abuts a County Road and the Minnesota Department of Transportation if the plat abuts a State Highway for review and comment.
- (b) The Planning and Development Department and other appropriate officials shall review the Preliminary Plat and shall transmit a report of their findings and recommendations together with any supporting material to the Commission prior to the meeting at which the Preliminary Plat is to be considered. The subdivider shall pay the cost of such services in an amount established by the Council.

SECTION 4. Land Subdivision Regulations Ordinance No. 1999-B, Section 505.05. Procedures for plat review/approval, Subd. 3. Final plat approval, is hereby repealed, and in lieu of said subdivision is substituted the following:

Subd. 3. Final plat approval. Procedures for submittal to the Planning and Development Department and review by the City shall be the same as required for Preliminary Plat approval:

- (a) The subdivider shall engage a registered land surveyor to prepare a Final Plat which shall constitute that portion of the Preliminary Plat which the subdivider proposes to record and develop.

- (b) Upon approval of the Preliminary Plat, the subdivider must, within one year, submit the Final Plat for approval. If the subdivider fails to submit the Final Plat as provided, the Preliminary Plat approval is no longer effective.
- (c) The Final Plat shall incorporate all changes required by the City, County Engineer regarding county roads, and State Department of Transportation regarding state highways, but in all other respects it shall conform to the Preliminary Plat as approved. Six copies of the Final Plat must be filed with the City.
- (d) The Planning and Development Department shall provide copies of the Final Plat to the Commission, the Public Works Director, and other appropriate City officials.
- (e) The Planning and Development Department shall review the Final Plat and make recommendation to the Commission prior to the Final Plat meeting.
- (f) The Commission shall study the Final Plat, considering the reports of the Planning and Development Department and other appropriate City officials, and then shall make recommendation to the Council within 30 days of receipt of the Final Plat.
- (g) The Council shall act upon the Final Plat together with a proposed Development Agreement required by Section 406 of these Regulations within 30 days of receiving recommendation from the Commission, and the Planning and Development Department shall notify the subdivider of the Council's action.
- (h) Upon request by the applicant for final approval, the City shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of these Regulations and all conditions and requirements upon which the preliminary approval was conditioned. If the City fails to certify final approval within the time frame, and if the applicant has complied with all requirements, the Final Plat shall be deemed approved and upon demand, the City shall execute an approval certificate.
- (i) Upon approval of the Final Plat by the Council, the Development Agreement shall be executed by the City and the subdivider. The subdivider shall, at the subdivider's sole cost, record the Final Plat with the Stearns County Recorder within 90 days after the approval date, or the Council's approval of the Final Plat shall be null and void. Upon recording the Final Plat, the subdivider shall provide the Planning and Development Department with a print of the Final Plat showing evidence of recording.

SECTION 5. Land Subdivision Regulations Ordinance No. 1999-B, Section 505.05. Procedures for plat review/approval, Subd. 4. Minor subdivision plat approval, is hereby repealed, and in lieu of said subdivision is substituted the following:

Subd. 4. Minor subdivision plat approval. The subdivider shall have a Preliminary Plat prepared by a registered land surveyor and submitted to the Planning and Development Department. If approved by the Planning and Development Department, the subdivider shall have a Final Plat prepared and

submitted to the Commission. The Commission shall hold a public hearing as required in Section 505.05, Subd. 2 of these Regulations. If approved by the Commission and the Council, such approval shall constitute final approval and after execution, the subdivider shall record the Final Plat with the Stearns County Recorder within 90 days after the approval date, or the Council’s approval of the Final Plat shall be null and void. Upon recording the Final Plat, the subdivider shall provide the Planning and Development Department with a print of the Final Plat showing evidence of recording.

SECTION 6. Land Subdivision Regulations Ordinance No. 1999-B, Section 505.09. Design Standards, is hereby repealed, and in lieu of said subdivision is substituted the following:

Section 505.09. Design standards. Design standards shall assure that the layout of the subdivision be compatible with existing plans affecting the development and its surroundings and shall be in conformity with the City’s development objectives for the entire area. Consideration shall be given to site and environmental factors. Plats that contain areas subject to periodic flooding shall have these areas shown on the Preliminary Plat and shall be considered by the Public Works Director, the Commission, and the Council.

SECTION 7. Land Subdivision Regulations Ordinance No. 1999-B, Section 505.09. Design Standards, Subd. 1. Circulation, paragraph (b) Street width and grades is hereby repealed, and in lieu of said paragraph is substituted the following:

Subd. 1. Circulation.

(b) Street width and grades - The following standards of street design shall be observed by the subdivider:

<u>Street</u>	Minimum Right-of-Way <u>Width</u>	Minimum Pavement <u>Width</u>	Maximum <u>Slope</u>	Minimum <u>Strength</u>
Arterial	80’	44’	*see below	9 tons
Collector	66’	36’	*see below	9 tons
Local	66’	36’	*see below	7 tons
Service	66’	36’	*see below	9 tons
Cul-de-sac, diameter	120’	90’	*see below	7 tons
Trail	10’	8’	*see below	N/A
Sidewalk	10’	6’	*see below	N/A

*To be determined by City Engineer.

SECTION 8. Land Subdivision Regulations Ordinance No. 1999-B, Section 505.09. Design Standards, Subd. 1. Circulation, paragraph (c) Street cul-de-sacs is hereby repealed, and in lieu of said paragraph is substituted the following:

Subd. 1. Circulation.

- (c) Street cul-de-sacs - Turnarounds shall have a minimum outside roadway diameter of 90 feet, and a minimum street property line diameter of 120 feet. Maximum distance between street intersections and turnarounds or between turnarounds shall be 400 feet measured along the street center line from the intersection or origin or from the center point of the turnaround.

SECTION 9. Land Subdivision Regulations Ordinance No. 1999-B, Section 505.09. Design Standards, Subd. 2. Easements, paragraph (b) Water Courses is hereby repealed, and in lieu of said paragraph is substituted the following:

Subd. 2. Easements.

- (b) Water courses - When a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of water courses, and width or construction as determined by the Public Works Director.

SECTION 10. Effective Date. This Ordinance shall take effect upon its passage and publication according to law.

Adopted by the City Council this 5th day of June, 2008.

ERIC SEANGER, MAYOR
CITY OF MELROSE

ATTEST:

PATRICIA HAASE
CITY CLERK

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