

**CITY OF MELROSE**

**LAND SUBDIVISION REGULATIONS ORDINANCE NO. 1999-B**

**MELROSE, MINNESOTA**

**JANUARY 21, 1999**

## ORDINANCE NO. 1999-B

**AN ORDINANCE ADOPTING LAND SUBDIVISION REGULATIONS AND REPEALING LAND SUBDIVISION ORDINANCE 1989-1-B AND AMENDMENTS. ORDINANCE NO. 1989-1-B AND AMENDMENTS ARE REPEALED AND ORDINANCE NO. 1999-B IS ADOPTED AS FOLLOWS:**

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**SECTION 2.** Section 505.03. Introduction. Subdivision 1. Title. Land Subdivision Regulations.

Subd. 2. Purpose. Subdivisions of land shall comply with the following Regulations and intent:

- (a) Assure that new additions will be compatible with overall development objectives of the community.
- (b) Encourage well planned subdivisions by establishing adequate development standards for design and construction.
- (c) Improve land records by establishing standards for surveys and plats.
- (d) Place the cost of improvements against those benefitting from the improvements.
- (e) Provide for the public health, safety, and general welfare of residents by requiring necessary services such as properly designed streets and adequate storm sewer, sanitary sewer, and water services.
- (f) Assure that public improvements such as streets, utilities, and drainage facilities are constructed to satisfactory standards.
- (g) Safeguard the interests of the public, the homeowner, the subdivider, and the City.
- (h) Limit the recording and conveyance of land by metes and bounds descriptions.
- (i) Protect the environmentally sensitive areas of the City.

Subd. 3. Legal authority. Minnesota Statutes 462.358

Subd. 4. Geographic jurisdiction. The area within the corporate limits of the City and the area extending one-half mile beyond its corporate limits.

Subd 5. Conveyance by metes and bounds.

- (a) No conveyance of land described by metes and bounds, or by reference to an unapproved registered land survey made after April 21, 1961, or to an unapproved plat made after February 10, 1971 shall be made or recorded unless the parcel described in the conveyance:
  - (1) was a separate parcel of record on the 10th day of April, 1971; or
  - (2) was the subject of a written agreement to convey entered into prior to the 10th day of February, 1971; or
  - (3) was a separate parcel of not less than two and one-half acres in area and 150 feet in width on the 10th day of February, 1971; or
  - (4) is a single parcel of land of not less than five acres in area and 300 feet in width.
- (b) Building permits shall be withheld for structures on tracts which have been subdivided and conveyed by methods prohibited by these Regulations and the City may refuse to take over streets or roads or to improve, repair, or maintain any such tracts.

Subd. 6. Platting. Any subdivision creating parcels, tracts or lots.

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) Pedestrian way - A public right-of-way across or within a block intended to be used by pedestrians.
- (s) 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.
- (t) 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.
- (u) 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.

- (v) 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.
- (w) Right-of-way - The publicly owned land along a street or highway a portion of which is covered by the street or highway pavement.
- (x) 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.
- (y) Street width - For the purpose of these Regulations, the shortest distance between the lines delineating the right-of-way.
- (z) Subdivider- A person undertaking the subdivision or resubdivision of a tract or parcel of land.
- (aa) 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.
- (bb) 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.
- (cc) Zoning code - The Zoning Code controlling the use of land as adopted by the City.

**SECTION 3.** Section 505.05. Procedures for plat review/approval. The following procedures shall be followed in the administration of these Regulations and no real property within the jurisdiction of these Regulations shall be subdivided and offered for sale or a plat recorded until a Final Plat has been approved by the Council and filed with the County Recorder. Plans of Planned Unit Developments shall be presented in the same manner as other plats for the review of the Commission and approval of the Council.

Subd. 1. Preapplication meeting

- (a) Prior to the submission of any plat for consideration to the Commission, the subdivider shall meet with the City Clerk-Treasurer to learn what shall be expected and to determine the relationship of the proposed subdivision with overall development objectives for the affected area.
- (b) The subdivider may submit a concept plan or sketch plan of the proposed subdivision for consideration. The plan should show the relationship of the proposed subdivision to existing community facilities, to neighboring subdivisions and developments, and to the natural resources and topography of the site.
- (c) The subdivider is urged to obtain the advice and assistance of the City to facilitate the approval of the Preliminary Plat.

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 City Clerk-Treasurer. The subdivider shall include a written statement along with the Preliminary Plat 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 City Clerk-Treasurer shall transmit copies to the Commission, City Engineer, and Superintendent of Public Works 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 City Clerk-Treasurer 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.
- (c) Within 30 days after the Preliminary Plat has been filed and after reports and certifications have been received as requested, the Commission shall hold a public hearing on the Preliminary Plat after notice of the time and place has been published once in the official newspaper at least 10 days before the day of the hearing. Within 30 days of the conclusion of the public hearing, the Commission shall make its report to the Council. This report shall contain a statement of findings and recommendation.
- (d) The Council shall take action on the Preliminary Plat within 60 days following the delivery of an application completed in compliance with these Regulations by the applicant, unless an extension of the review period has been agreed to by the subdivider. If the City fails to approve or disapprove a Preliminary Plat within the review period, the Preliminary Plat shall be deemed approved, and upon demand the City shall execute a certificate to that effect. If the Council disapproves the Preliminary Plat, the grounds for any such disapproval shall be set forth in the minutes of the Council meeting and reported to the subdividers.
- (e) The approval of a Preliminary Plat is an acceptance of the general layout as submitted, and indicates the subdivider may proceed toward preparation of a Final Plat.

- (f) The Commission shall recommend denial of, and the Council shall deny, approval of a Preliminary or Final Plat if it makes any of the following findings:
  - (1) That the proposed subdivision, including the design, is in conflict with any adopted component of the Comprehensive Plan;
  - (2) That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development 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.

Subd. 3. Final plat approval. Procedures for submittal to the City Clerk-Treasurer 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 country 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 City Clerk-Treasurer shall provide copies of the Final Plat to the Commission, City Engineer, City Attorney, and other appropriate City officials.
- (e) The City Clerk-Treasurer 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 City Clerk-Treasurer, City Engineer, City Attorney, 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 City Clerk-Treasurer 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 City and subdivider and the subdivider shall file the Final Plat with the City Clerk-Treasurer and shall record it with the County Recorder.

Subd. 4. Minor subdivision plat approval. The subdivider shall have a Preliminary Plat prepared by a registered land surveyor and submitted to the City Clerk-Treasurer. If approved by the City Clerk-Treasurer, 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 file the Final Plat with the City Clerk-Treasurer and shall record it with the County Recorder.

**SECTION 4.** Section 505.07. Data required on plats. The following information shall be required on plats:

Subd.1. Preliminary plat data

- (a) Identification and description
  - (1) Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat recorded in the County.
  - (2) Street names.
  - (3) Name of subdivider and designer, graphic scale at no less than one inch equals 100 feet, north-point, and date of preparation.
  - (4) Where a tract of land is proposed for subdivision that is a part of a larger subdivision unit, the Commission may require a plan of the entire area to be prepared and presented to the Commission.
  - (5) Location by section, township, range, and by legal description.
  - (6) Key map including areas surrounding the proposed Plat.
  - (7) Date of preparation.
  - (8) Name of City.
- (b) Existing conditions
  - (1) A general statement of approximate acreage and dimensions of the lots.
  - (2) Location, right-of-way width, and names of existing or platted streets or public ways, parks, and other public lands, permanent buildings and structures, easements, and section and corporate lines within the tract.
  - (3) Boundary lines of adjoining unsubdivided or subdivided land, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
  - (4) Topographic data including contours at vertical intervals of two feet.

- (5) An analysis of the soils by representatives of the County Environmental Services. The City may require soil borings.
- (6) Existing conditions in tract and land use in the area within 100 feet of the boundaries of the tract.
- (7) Plans for water supply, sewage disposal, drainage and flood control. Location and size of existing sanitary sewers, water mains, culverts or other underground facilities. Existing grades, invert elevations, and location of catch basins, manholes, hydrants and street pavement width and type in proposed plat.
- (8) Location of Easements in tract.
- (c) Subdivision design features
  - (1) Layout and width of proposed streets and utility easements, pedestrian ways, street names, lot dimensions, parks and other public areas.
  - (2) Proposed use of all parcels and, if needed, proposed zoning amendment.
  - (3) Preliminary street grades and drainage plan.
  - (4) Layout, numbers and preliminary dimensions of lots and blocks.
  - (5) When lots are located on a curve, the width of the lot at the building setback line.

Subd. 2. Final plat data

- (a) Identification and description data as required for the Preliminary Plat.
- (b) Boundaries of the property; lines of all proposed and adjoining streets with their width and names, and any other areas intended for public use.
- (c) An identification system for all lots and blocks.
- (d) Data required by the County Surveyor, i.e., accurate angular and linear dimensions for all lines, angles and curvatures used to describe boundaries, streets, lots, easements and other important features.
- (e) Surveyor's certification as to accuracy of survey and plat.
- (f) Notarized certification by owner, and by any mortgage holder of record, of the adoption of the Final Plat and the dedication of streets and other public areas.
- (g) Certification showing that all taxes currently due on the property to be subdivided have been paid in full.
- (h) Certification by the Commission and by the Council of their approval of the Final Plat.

**SECTION 5.** 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 City Engineer, the Commission and the Council.

Subd. 1. Circulation.

- (a) General street design
  - (1) The design of all streets shall be considered in their relation to existing and planned streets, to circulation of traffic, to topographic conditions, to runoff of storm water and to the proposed uses of the area to be served.

- (2) 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.
  - (3) 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 likely to be subdivided, then the new street shall be carried to the boundaries of such unsubdivided land.
- (b) Street width and grades - The following standards of street design shall be observed by the subdivider:

<u>Street</u>	Right-of-Way		<u>Grades*</u>
	<u>Width</u>	<u>Pavement Width</u>	
Arterial	70-100'	36-52'	.04-4.0%
Collector	50-70'	32-48'	.04-6.0%
Cul-de-sac, radius	60-70'	28-36'	.04-8.0%
Local	50-70'	28-36'	.04-8.0%
Pedestrian Walkways	10-30'	5-10'	.04-3.0%

\*To assure a safe and reasonable sight distance at intersections, a lesser grade may be required.

- (c) Street cul-de-sacs - Turnarounds shall have a minimum outside roadway diameter of 120 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.
- (d) Street jogs - Street jogs with center line off-sets of less than 120 feet shall be avoided.
- (e) Street intersections - Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than 65 degrees. No intersections shall contain more than four corners.
- (f) Tangents - A tangent of at least 150 feet shall be established between reverse curves on collector streets and 100 feet on lesser streets.
- (g) Deflections - When connecting street lines deflect from each other at one point by more than 10 degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of no less than 500 feet for arterials, 300 feet for collectors, 100 feet for other streets
- (h) Local service drives - Where a proposed plat is adjacent to a major thoroughfare, the Council may require the subdivider to provide local service drives along the right-of-way or they may require that lots should back on thoroughfares, in which case, vehicular access between the lots and thoroughfares shall be prohibited.
- (i) Access to arterial and collector streets - Where a proposed plat is adjacent to an arterial or collector street as designated by the City's Comprehensive Plan, spacing between access points to such thoroughfares of less than 660 feet for collectors and 1,320 feet for arterial shall be avoided except where impractical or impossible due to existing property divisions or topography.

- (j) Half streets - Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided.
- (k) Corners - Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.
- (l) Alleys - Alleys shall be prohibited in residential areas unless permission is granted by the Council.
- (m) Pedestrian walkways - The City may require pedestrian walkways to serve public service areas such as parks, schools, shopping facilities, and to provide a connecting link to establish walkways and in other appropriate locations.
- (n) Hardship to owners of adjoining property - The street arrangements shall not cause hardship to owners of adjoining property.

Subd. 2. Easements.

- (a) Utilities - Easements of a minimum of 10 feet wide centered on rear and/or side lot lines shall be provided for utilities as determined by the City. Easements for water, storm sewer or sanitary sewer may be at least 20 feet wide. They shall have continuity of alignment from block to block. Temporary construction easements may be required. Utility easements shall be kept free of any obstruction which would interfere with the travel of utility service vehicles.
- (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 City Engineer.
- (c) Pipelines - Pipeline easements located within a proposed subdivision or within 50 feet of a proposed subdivision shall be identified and delineated on the plat. Pipeline means a pipe operated at a pressure of more than 275 pounds per square inch that carries gas or a pipe with a nominal diameter of 6 inches or more used to transport hazardous liquids, but does not include pipe used to transport the hazardous liquid by gravity, and pipe used to transport or store a hazardous liquid within a refinery, storage or manufacturing facility. Pipeline setback requirements are set forth in the Zoning Code.

Subd. 3. Blocks.

- (a) Length, width and shape - Block lengths shall not exceed 800 feet and shall not be less than 330 feet. The lengths, widths, and shapes of blocks shall be appropriate for the topography and type of development.
- (b) Pedestrian walkways - In blocks longer than 600 feet, a pedestrian walkway with a minimum right-of-way of 20 feet may be required near the center of the block. The use of additional accessways to schools, parks and other destinations may be required.

Subd. 4. Lots.

- (a) Layout - Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- (b) Size and dimensions - Minimum lot area and lateral dimensions shall be as set forth in the Zoning Code.

- (c) Corner lots - Corner lots shall be platted at least 10 percent wider than the minimum lot width required unless this requirement results in corner lot widths in excess of 100 feet, in which case the requirement shall not apply.
- (d) Natural features - Consideration shall be given to all natural features such as tree growth, wetlands, steep slopes, water courses or similar conditions, and plans altered to preserve those which will add attractiveness, safety and stability to the development.
- (e) Lots along thoroughfares - There shall be no direct vehicular access from residential lots to arterial streets, and direct access to collector streets shall be avoided.
- (f) Lot remnants - Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnants.
- (g) Drainage - Lots shall be graded so as to provide drainage away from building locations.
- (h) Double frontage lots - Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least 10 feet in order to allow for screen planting along the back lot line.

Subd. 5. Dedication of Land for Park Purposes

- (a) Where the land in the subdivision exceeds 5 lots or 5 acres, whichever is less, the subdivision will present additional demand upon the recreational and park facilities. The City may require that a reasonable portion of the platted area be dedicated to the public or preserved for conservation purposes or for public parks, playgrounds, trails, wetlands, or open space. The dedicated area shall not exceed ten (10%) percent of the subdivision. In the event of multi-family dwelling units in the subdivision, a greater need for recreational area will occur and the Council may require an amount of land in excess of ten (10%) percent of the development. This shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways. The City may determine the location and configuration of the dedicated land, taking into consideration the suitability of the land for the intended purpose and future needs. Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the City by deed or by plat. Refer to Minnesota Statutes, Section 462.358, Subd. 2(b).
- (b) No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved by the City for the purpose to which they are to be dedicated. The park land shall be graded to the contours set forth in the Preliminary Plat.
- (c) The City may require that in lieu of a dedication of land, the subdivider pay an equivalent amount in cash to the City. The equivalent amount shall be based on the fair market value of land no later than at time of approval of the Final Plat. All cash payments shall be deposited in a special fund to be used for the purpose for which the money was obtained. The City shall consider the needs which are created as a result of the subdivision in determining the amount of the dedication or contribution and the requirements shall be set forth in the development agreement.

Subd. 6. Development agreement. Prior to approval of a Final Plat, the City and subdivider shall enter into a written agreement which shall be entitled "Development Agreement." The agreement shall set forth the obligations of the subdivider and the obligations of the City.

**SECTION 6.** Section 505.11. Administration and Enforcement. Subdivision 1. Responsible official. It shall be the duty of the Council to see that the provisions of these Regulations are enforced.

Subd. 2. Building permit. No building permit shall be issued for the construction, enlargement, alteration or repair, demolition or moving of any buildings, structures or improvements on any land subdivided until all requirements of these Regulations have been fully complied with.

Subd. 3. Variances.

- (a) The Council shall have the power to vary the requirements of these Regulations when:
  - (1) The physical surroundings, shape or topographic conditions of the land create a hardship to the owner.
  - (2) The conditions upon which the petition for a variance is based are unique to the tract of land for which the variance is sought and one not applicable, to other property within the same zoning classification.
  - (3) The purpose of the variance is not based exclusively upon a desire to increase the value of income potential of the parcel of land.
  - (4) The alleged hardship is caused by the provisions of these Regulations and has not been created by any persons presently or formerly having an interest in the land.
  - (5) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the land.
  - (6) The proposed variance will not substantially increase congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values.
- (b) The Commission may recommend variations from the requirements of these Regulations if the variations do not affect the Comprehensive Plan or the intent of these Regulations. Any modifications recommended shall be entered in the minutes of the Commission stating the reasons which justify the modifications. The Council may approve variances from these requirements in cases which meet the requirements and do not adversely affect the purpose of these Regulations.
- (c) The Council, following review by the Commission, may grant a variance from the requirements of these Regulations in the event a Planned Unit Development or Cluster Development as defined in the Zoning Code is proposed.

Subd. 4. Violation a misdemeanor. Violation of any provision of these Regulations shall be a misdemeanor. Each day that a violation occurs or continues shall constitute a separate violation.

**SECTION 7.** City of Melrose Land Subdivision Ordinance No. 1989-1-B, Ordinance No. 1991-1-I, Ordinance No. 1995-A, and Ordinance No. 1995-B are repealed.

**SECTION 8.** Effective date. This Ordinance shall take effect and be in force upon passage and publication.

Adopted by the Council this 21st day of January, 1999.

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George O'Brien, Mayor  
City of Melrose

Attest:

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Rose Ann Inderrieden  
City Clerk-Treasurer

Official title and summary of Ordinance published in the Melrose Beacon this 30th day of January, 1999.