

**City of
Madison Lake
Subdivision
Ordinance
#217**

**Revised February 2004
Revised April 5th, 2004
Revised September 7th, 2004**

CHAPTER 24

MADISON LAKE SUBDIVISION ORDINANCE #217

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SUBDIVISION 1. REPEAL AND DATE OF EFFECT

SUBDIVISION ORDINANCE #217

City of Madison Lake

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LANDS, DEFINING CERTAIN TERMS, PROVIDING FOR THE PREPARATION OF PLATS AND THE INSTALLATION OF STREET AND OTHER IMPROVEMENT, ESTABLISHING PROCEDURES FOR THE APPROVAL AND RECORDING OF PLATS, PROVIDING FOR AMENDMENTS OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR VIOLATIONS.

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF MADISON LAKE:

Section. 220.20. General Provisions.

Subdivision 1. **Title.** This Ordinance shall be known, cited, and referred to as the Subdivision Ordinance of the City of Madison Lake, except as referred to herein, where it shall be known as “this Ordinance.”

Subdivision 2. **Purpose.** Pursuant to the authority in Minnesota Statutes, Sections 429; 462.358, 471; 505, this Chapter is adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the municipality.
- B. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the municipality.
- C. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon land, and to minimize the conflicts among the uses of land and buildings.
- D. To assure those public improvements such as streets, utilities, and drainage are constructed to satisfactory standards.
- E. To prevent the pollution of air, streams, lakes, ponds and wetlands, to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of land.
- F. Place the cost of improvements against those benefiting therefrom.
- G. Provide common grounds of understanding between prospective sub-dividers and municipal officials.

H. Each lot created through Subdivision, including planned unit developments, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land, likely to be harmful to the health, safety, or welfare of future residents of the proposed Subdivision.

Subdivision 3. **Jurisdiction.** The regulations herein governing plats and the Subdivision of land shall apply to all lands within the corporate limits of the City.

Subdivision 4. **Developer Agreement.** The City may grant a developer permission to do work at its own expense, on the condition that the work be done under supervision of the City of Madison Lake or its agents, engineers, or other representatives, on the terms and conditions contained in the signed Development Agreement or any other contracts or documents referred to.

Subdivision 5. **Compliance.**

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

Subdivision 6. **Required Approvals of Subdivision Plats.**

Before any plat shall have any validity, it shall have been reviewed by the City Planning Commission and approved by the City Council and recorded in the Office of the County Recorder.

Subdivision 7. **Conflict.**

It is not intended by this Ordinance to annul or interfere with any other official regulations or ordinances of the City; provided, however, that when there is a difference between minimum standards or dimensions herein and those contained in other official regulations or ordinances of the City, the most restrictive standards shall apply.

Subdivision 8. **Conveyance Requirement.**

1. After the adoption of this Ordinance, no conveyance of land to which this Ordinance is applicable shall be filed or recorded if the land in the conveyance is described by metes and bounds description; is an unapproved registered land survey; or is an unapproved plat.
2. The above provision, Subdivision 7, Paragraph 1, shall not apply to a conveyance if the land described:
 - A. Was a separate parcel or record created by metes and bounds description or any registered land survey on or before January 1, 2001.

B. Was a separate parcel of record or was the subject of a written agreement to convey on or before January 1, 2001.

C. Was a separate parcel of not less than two and one half (2½) acres and 150 feet in width on January 1, 2001.

D. Was separate parcel of not less than five (5) acres and 300 feet in width on January 1, 2001.

E. Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or 300 feet in width, or

F. It is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or 500 feet in width.

3. In any case in which compliance with the above provision of this Ordinance, will create an unnecessary hardship and failure to comply does not interfere with the purpose of this Ordinance, the City Council may waive such compliance by resolution thereby permitting filing or recording.

Subdivision 9. Disclosure by Seller.

1. Any person conveying a lot created after the adoption of this Ordinance shall attach to the instrument of conveyance one of the following:

A. A recordable certificate signed by the City Clerk that the requirements of this Ordinance do not apply.

B. A recordable certificate signed by the City Clerk that the requirements of this Ordinance have been fulfilled.

C. A recordable certificate that the restrictions on the division of taxes and filing and recording have been waived by the City Council. Such waiver shall only be granted when compliance with this Ordinance will create an unnecessary hardship and failure to comply will not interfere with the purpose of this Ordinance.

2. In cases where Subdivision 9, Paragraph 1 of this Section is not used the seller shall attach to the instrument of conveyance a statement which:

A. Names and identifies the location of the appropriate municipal offices and advises the grantee that municipal Subdivision and zoning regulations may restrict use or restrict or prohibit the development of the parcel, or construction on it, and

B. That the division of taxes and the filing or recording of the conveyance may be prohibited unless a recordable certificate or waiver has been issued according to Subdivision 9, Paragraph 1 of this Section.

3. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this Ordinance shall be grounds for damages. If the buyer establishes his right to damages, a district court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five (5) per cent of the purchase price of the land.

Section 220.25 Definitions.

Subdivision 1. For the purpose of this chapter, certain words and terms are hereby defined as follows:

Alley. An alley is a public right-of-way, which affords a secondary means of access to abutting property.

Block. A block is an area of land within a Subdivision that is entirely bounded exterior boundary or boundaries of the Subdivision, public ways, outlots, parks or bodies of water.

City Engineer. The City Engineer is a professional engineer as designated by the City Council.

Comprehensive Development Plan. A Comprehensive Development Plan is the comprehensive plan prepared and adopted by the Planning Commission and approved by the Council which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City and included any unit or part of such plan separately adopted and any amendment to such plans or parts thereof.

Deflection Angle. The Deflection Angle is the angle between a line and the prolongation of the preceding line.

Design standards. Design Standards are the specifications to land owners or subdivider for the preparation of plats, both preliminary and final, indicating among other things, the optimum minimum or maximum dimensions of such items as rights – of - way, blocks, easements, and lots.

Easement. An Easement is a grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to electric lines, telephone lines, storm sewer or storm drainage ways, gas lines and walkways.

Final Plat. The Final Plat is a drawing or map of a Subdivision, meeting all the requirements of the City and in such form as required by the City for purposes of recording.

Hardshell. The hard-shell refers to the white mat card stock on which a final plat is prepared and when appropriate signatures are affixed, is presented to the County Recorder for official recording.

Lot. Lot is defined as a tract, plot, or portion of a Subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

Mylar. Mylar refers to a reproducible copy of the plat that is produced by a photographic process.

Percentage of grade. Percentage of grade on street centerline means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

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

Planning Agency. Planning Agency is the Planning Commission of the City of Madison Lake.

Planning Commission. Planning Commission is the Planning Commission of the City of Madison Lake.

Preliminary Plat. Preliminary Plat is the preliminary map, drawing or chart indicating the proposed layout of the Subdivision to be submitted to the Planning Commission for its consideration.

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

Sepia. Sepia refers to a reproducible copy of the plat, which can be produced by processing through a blue line machine.

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

Street Cul-de-sac. Street cul-de-sac is a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Street Frontage roads. Street frontage roads are minor streets, which are parallel and adjacent to arterial streets, and highways and which provide access to abutting properties and protection from through traffic.

Street, Local street. A local street serves to provide access to abutting properties from the higher order systems.

Street Urban Collector. A street urban collector distributes trips from the arterial through the area to the ultimate destination, which may be on a local Street.

Street Urban Minor Arterial. A street urban minor arterial is a street, which interconnects with and augments the urban principal arterial system and provides service to trips of moderate length with lower level of travel than principal arterial. This system distributes travel to smaller geographical areas than the principal arterial

Street Urban Principal Arterial. A street urban principal arterial is a street, which serves the major center of activity of a metropolitan area, contains the highest traffic volume corridors, and has the longest trips.

Street Width. The street width is the shortest distance between the Street Right of Way.

Subdivision. A subdivision is a described tract of land which is to be divided into two (2) or more lots or parcels, any of which resultant parcels is less than five (5) 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 re-subdivision and, where it is appropriate to the context, related either to the process of subdividing or to the land subdivided.

A subdivision is the separation of an area, parcel, or tract of land under single ownership into two (2) or more parcels, tracts, lots, or long—term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

- A. Where all the resulting parcels, tracts, lots, or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses and five (5) acres or larger in size and three hundred (300) feet in width for commercial and industrial uses.
- B. Creating cemetery lots.
- C. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

Surveyor. A land surveyor who is properly licensed with the State of Minnesota.

Tangent. The Tangent is a straight line projected from the ends of two (2) curves, which is perpendicular to a line in each curve drawn from the radii point to the end of the curve.

U.S.G.S. Datum. “U.S.G.S. datum” refers to the United States Geological Survey Datum.

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

SECTION 220.30 Procedure for Plat Submission.

Subdivision 1. Concept Plan Review.

Prior to the filing of an application of a preliminary plat, the owner or owner's representative and his surveyor or engineer shall meet with the City Planning Commission for informal discussion of the proposed plat. As far as may be practical on the basis of the informal discussion, the Planning Commission will advise as to the extent which the proposed Subdivision concept conforms to the Madison Lake Land Use Policy Plan, this Ordinance and other applicable City Ordinances and suggest possible plan modifications necessary to insure conformance. In addition to the informal review of the concept, the owner shall be notified of the kind and extent of improvements to be made by him.

Subdivision 2. Preliminary Plat Submission.

Before any lot or parcel less than five (5) acres in area may be conveyed of record, the owner shall file with the City Clerk at least fifteen (15) working days before the regular meeting date of the Planning Commission, the following materials:

1. A completed Subdivision application including payment of the application fees.
2. Ten (10) prints of a preliminary plat completed in compliance with the provision of Section 220.35, Subdivision 2, Data Required for Preliminary Plat.
3. Other supplementary material as enumerated in this Ordinance.

Subdivision 3. Review and Action on Preliminary Plat.

1. Public Hearing Required.

- A. Upon receipt of the above information, the City Clerk shall place the proposed plat on the agenda of the next regular Planning Commission meeting.
- B. A public hearing shall be held on the preliminary plat application. Notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the day of the hearing. Notification shall also be mailed to the subdivider and the owner(s) of the property within 350' to the land within the plat.

2. Review and Action.

The Planning Commission shall within a reasonable time, pass upon the preliminary plat as originally submitted or modified. If approved, the planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its reasons. Such approval or disapproval shall be transmitted to the Council and the Council shall approve or disapprove the preliminary plat. Approval means the acceptance of the preliminary plat as the basis for preparation of a final plat.

3. Time Limits for Review of the Preliminary Plat.

A. A Subdivision application shall be preliminarily approved or disapproved within one hundred twenty (120) days following delivery of an application completed in compliance with this Ordinance by the applicant to the City, unless an extension of the review period has been agreed to by the applicant.

B. If the City Council fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the City Clerk shall execute a certificate to that effect.

Subdivision 4. Final Plat.

The final plat, conforming substantially to the preliminary plat as approved, shall be submitted to the City Clerk at least fifteen (15) days before the regularly scheduled meeting of the Planning Commission. The City Clerk shall place the final plat on the agenda of the next regular Planning Commission meeting and send notices as may be required.

Subdivision 5. Final Plat Submission.

1. Six (6) prints of a final plat shall be completed in compliance with the provisions of Section 220.35, Subdivision 2, Data Required for Final Plat.
2. Other supplementary material shall be submitted as enumerated in this Ordinance.

Subdivision 6. Partial Final Plat.

The owner may file the final plat limited to such portion of the preliminary plat, which he proposes to record and develop at the time, provided that such portion conforms to all requirements of this Ordinance.

Subdivision 7. Review and Action on Final Plat.

1. When a final plat meets all the conditions of this Ordinance, the Planning Commission shall recommend approval to the Council and the Council shall act on the recommendation. Following final approval or disapproval by the Council, the City Clerk shall notify the owner or subdivider of the Council's action and the final plat, when duly certified, signed and acknowledged by the Planning Commission and Council shall then be recorded in the office of the County Recorder. After the County Recorder has filed the final plat, the owner shall provide the City Clerk with the Mylar copy of the final plat as executed.
2. A. Subdivision application shall be granted final approval within sixty (60) days if the applicant has complied with all applicable provisions of this Ordinance and all expressly stated conditions of preliminary plat approval.

B. If the City Council fails to grant final approval within the review period and if the applicant has complied with this Ordinance and all expressly stated conditions, the Subdivision application shall be deemed finally approved, and upon demand the City Clerk shall execute a certificate to that effect.

Subdivision 8. Effect of Subdivision Approval.

For one year following preliminary approval and for two (2) years following final approval, unless the subdivider and the City of Madison Lake agree otherwise, no amendment to the Land Use Policy Plan, the Zoning Ordinance, Subdivision Ordinance or other City Ordinance shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to this Ordinance the City may extend the period by agreement with the subdivider subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a Subdivision involving planned and staged development, the City may by resolution or agreement grant the rights referred to in this paragraph for such periods of time longer than two (2) years which it determines to be reasonable and appropriate.

Section 220.35 Documents to be Filed.

Subdivision 1. Data Required for Concept Review.

The concept plan to be submitted to the Planning Commission shall be based upon an accurate base map, which enables the entire tract to be shown on one sheet. The concept plan shall contain the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract, and the existing street pattern.
2. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided. All benchmarks shall be referenced to local datum or U.S.G.S. if readily available.
3. The name of the owner and of all adjoining property owners as disclosed by the most recent tax records.
4. All utilities available, and all streets, which are either proposed, mapped or built.
5. Proposed pattern of lots and street layout.
6. All existing restrictions on the use of the land including easements or zoning lines.

Subdivision 2. Data Required for Preliminary Plat.

1. Identification and description.

- A. The proposed name of the Subdivision. It shall not duplicate the names of any plat previously recorded in Blue Earth County or in the City of Madison Lake.
- B. Location by section, township and range, or by other legal description.
- C. The names and addresses of the owner and sub-divider having control of the lands included in the preliminary plat, the designer of the plat and the surveyor.
- D. Graphic scale, not less than one (1) inch to one hundred (100) feet.
- E. A north arrow,
- F. Date of preparation of the preliminary plat.

2. Existing Conditions.

- A. An accurately drawn, to scale, preliminary plat including distances and total acreage in plat as well as individual lots.
- B. Location and names of existing or platted streets or other public ways, parks and other public open spaces, permanent buildings and structures, easements, section lines and city boundary lines within the tract and to a distance of one hundred (100) feet beyond the tract.
- C. If the proposed Subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted and dashed lines. Also, any revised or vacated roadways or the original plat shall be so indicated.
- D. Location and size of existing paved streets, railroads, sewers, water mains, quarries, gravel pits, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Also, such data as grades, invert elevation and location of catch basins, manholes and hydrants.
- E. Complete topographic map, when practical and necessary for the development of the Subdivision, with contour intervals not greater than two (2) feet. Water, wetland designations, rock outcrops and other significant features should be shown. All topographic information should be shown on the preliminary plat.

F. Boundary line survey, including measured distances and angles, which shall close by latitude and departure with an error of closure not exceeding one (1) foot in ten thousand (10,000) feet.

G. Total acreage in said preliminary and individual lots, computed to one hundredth (.01) of an acre.

H. Boundary lines of adjoining platted or unplatted land and owners of all tracts of land within one hundred (100') feet.

3. Design features of preliminary plats

A. Layout of streets, showing right-of-way, widths, and names.

B. Locations and widths of alleys and pedestrian ways.

C. Layout, lots and block numbers, and typical lot dimensions scaled to the nearest foot.

D. Areas other than those mentioned above intended to be dedicated for public use, including the size of those areas.

E. A draft of proposed restrictive covenants if any are contemplated.

Subdivision 3. Data Required for Final Plat.

1. The final plat shall be on a sheet of twenty (20) inches wide and thirty (30) inches long and shall be drawn to scale. Sheets of such size as may be acceptable for filing in the office of the County Recorder, but not to exceed thirty-four inches in size; and shall include the following information:
2. The information, which is required for the final plat shall be that, required by MN. Statutes 505, plus additional requirements if such requirements do not conflict with Minnesota Statutes 505. Where necessary, the final plat may be on several sheets provided they are numbered and a key map is presented on the sheets showing the entire Subdivision. The final plat shall have incorporated all changes or modifications required and in all other respects conform to the approved preliminary plat. It may constitute only that portion of the approved preliminary plat, which the subdivider proposes to record and develop, provided that such portion conforms to all the requirements of this Ordinance.
3. The name of the Subdivision shall be lettered in prominent print at the top of the plat, together with the name of the city, township and county wherein the Subdivision lies. The name of the Subdivision shall be simple in nature, easy to pronounce and shall not duplicate in exact name any plat of record in the City of Madison Lake or Blue Earth County.

4. Location by section, township and range, or by other legal description.
5. The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than owner, and the name of the land surveyor.
6. Graphic scale, not less than one (1) inch to one hundred (100) feet.
7. North point, designated as true north.
8. Date of preparation.
9. The following notation shall also be shown:
 - Explanation of drainage easements, if any.
 - Explanation of site easements, if any.
 - Explanation of reservations, if any.
 - Endorsement of owner, as follows:

Owner	Date
A. Site data such a number of lots, typical lot size, park acreage.	
B. Sites, if any, for multi-family dwellings, shopping center, industry or other non-public uses exclusive of that information about Subdivision's land use classification.	
10. Boundary Line Survey. A boundary line survey including measured distances and angles, which shall close by latitude and departure with an error of closure not exceeding one (1) foot in ten-thousand (10,000) feet.
11. Certifications Required on Final Plat.
 - A. Notarized certification by licensed land surveyor to the effect that the plat represents a survey made by him and the monuments shown on the plat exist as located and that all dimensional and geodetic details are correct.
 - B. Notarized certification by owner, and by any mortgage holder of record of the adoption of the plat and the dedication of streets and other public areas.
 - C. Certification showing that all delinquent taxes and special assessments due on the property have been paid in full.
12. When there is more than one (1) sheet, an index sheet shall be attached, showing the entire Subdivision, including boundary and streets, at an appropriate scale. On each sheet, there shall be match lines for matching all adjoining sheets.

Forms of Approval Required on the Final Plat.

A. Form of Approval by the City Council as follows:

Approved by the City Council of Madison Lake, Minnesota, this _____ day of _____, 20__

Signed: _____
Mayor

Attest: _____
City Clerk

B. Form of review of the Planning Commission as follows:

Reviewed by the Planning Commission of the City of Madison Lake Minnesota, this _____ day of _____, 20__

Signed: _____
Chairman Secretary

C. Form of approval required by County Auditor and Recorder are as per county requirements.

A certificate or other evidence shall be required to or upon the plat for filing in the office of the county recorder or registrar of titles as to the submission of or the obtaining of such written comments and recommendations. The home rule charter or statutory city, town or county shall provide the certificate or other evidence to the county recorder or registrar of titles. (MN Statute 505.03. Subdivision 2.)

D. Form of Certificate required if land abuts county or State Hwy.

As per MN Statutes 505.3, Subdivision 2, this plat has been submitted to and written comments and recommendations have been received from the Commissioner of Transportation and the Blue Earth County Highway Engineer.

SECTION 220.40 Design Standards

Subdivision 1. General Requirements

1. The Planning Commission, in its review of a preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, general drainage situation, lot sizes and arrangements, as well as Land Use Policy Plan requirements for parks, school sites and streets, but not limited to these.
2. Where the parcel is subdivided into larger tracts than for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

3. Drainage shall be provided for in the Subdivision by adequate storm drains or by maintenance of natural drainage channels.
4. Subdivisions showing unplatted strips or private streets controlling access to public ways shall not receive approval.
5. Storm water retention shall be designed to provide predevelopment agricultural runoff rates.

Subdivision 2. **Streets**

1. The arrangement, character, extent, width and location of streets shall conform to the Land Use Policy Plan, the approved standard street sections and all applicable ordinances, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.
2. Street right-of-way widths shall be adequate to serve the proposed use and shall be designed according to current standards.
 - Local Streets = 60 feet
 - Collector Streets = 80 feet
 - Arterial Street = 100 feet
3. All streets shall have drive over curbs.
4. Cul-de-sacs shall have a minimum right-of-way radius of fifty (50) feet.
5. All driveways will not exceed a maximum of twenty-two (22) feet.

Subdivision 3. **Easements.**

1. Easements shall be wide enough to accommodate the utility proposed and whenever possible shall be centered on lot lines. Easements shall have continuity of alignment from block to block and at deflection points.
2. Where a Subdivision is traversed by a watercourse, drainage, channel or stream, a storm water easement or drainage right-of-way conforming substantially with the line of such watercourse shall be provided, together with such further width for construction, or both, as will be adequate for the storm water drainage of the area.

Subdivision 4. **Block Standards.**

1. Maximum length of a block shall be twelve hundred (1,200) feet. Blocks over six hundred (600) feet long may require pedestrian ways at least ten (10) feet wide at their

approximate centers. The use of additional access ways to schools, parks and other destinations may be required.

2. Residential blocks shall normally be of sufficient width for two tiers of lots.
3. Blocks intended for commercial and industrial use shall be designated as such.

Subdivision 5. Lot Standards.

1. Corner lots in any of the classes of residential districts shall have extra width and sufficient depth for establishing a building setback on both streets.
2. All lots shall have at least a minimum of thirty (30) feet required frontage on a public dedicated street.
3. Side lot lines shall be substantially at right angles or radial to the street line.
4. Double frontage where lots with frontage on two parallel streets shall be avoided except where it is essential to provide separation of residential development from traffic arteries or to overcome topographic or other conditions which render subdividing otherwise unreasonable. Such double frontage lots shall have additional depth in order to allow space for screen planting along the rear lot line.
5. Lots intended for commercial, industrial and multiple dwelling units shall be designed as such and the lots must be of adequate size to allow off—street parking, loading areas and such other facilities as are required to satisfy the requirements of the Madison Lake Zoning Ordinance.
6. Lots abutting on a watercourse, drainage way, channel or stream shall have an additional depth or width, as required to assure building sites that are not subject to flooding.

Subdivision 6. Variances.

The Planning Commission may recommend a variance from the provisions of this Chapter when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Commission shall prescribe any conditions that it deems necessary to or desirable for the protection of the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed Subdivision and the probable effect of the proposed Subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Commission finds

A. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his/her land.

B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

C. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which property is situated.

Subdivision 7. Land Dedication.

1. The City requires that all new Subdivisions dedicate land for public park land as stated below. Any additional land dedicated to public uses, such as streets, roads, sewers, electric, gas, water facilities, etc. in accordance with Minnesota Statute 462.358, Subdivision 2B Dedication shall be determined by the Planning Commission and/or City Council.

A. Residential Subdivision of up to ten (10) dwelling units per gross acre – a minimum of seven (7) percent of the total gross area.

B. Residential Subdivision in excess of ten (10) dwelling units per gross acre – a minimum of ten (10) percent of the total gross area.

C. Commercial and industrial Subdivision – a minimum of five (5) percent of the gross area including green space dedicated to trees, grass, or shrubs to be maintained by owner or parks or recreational development.

2. The term “new Subdivision” shall not apply where property lines are being surveyed for the purpose of correcting previous descriptions, situations where individuals are buying and/or selling land only to increase their yard space for individual properties or the Re-subdivision of an area where a previous dedication was made.

3. Where a proposed park, playground or open space as shown on the Comprehensive Development Plan is located in whole or in part in a Subdivision, the Council may require the dedication of such area within the Subdivision in those cases where the Council deems such requirements to be reasonable.

4. When in the judgment of the Planning Agency, a Subdivision is of insufficient size to include an area for park and playground or the Subdivision is not designated as an area for playground or park in the Comprehensive Development Plan, the owner or subdivider, in lieu of property dedication, shall pay to the City a sum of money equal to the required dedication percentage multiplied by the gross value of the Subdivision. The gross unimproved value of the Subdivision shall be determined in accord with the intended use of the property. The City shall request the County Assessor to establish a market value on the proposed use minus any improvements. Payment to the City of the

required open space dedication, whether in dedicated property or monies, shall be accomplished by the property owner or subdivider at the time of final platting, provided further that where money in lieu of land is to be paid to the City, such money may be paid in a manner established by policy of the Council. In no case shall the plat be signed or a building permit issued for any lot within the Subdivision until such transfer of land or payment in lieu of land has been completed. Any money paid to the City shall be placed in a special fund to be used for the acquisition of land, playground equipment, and/or maintenance equipment for parks and playgrounds only.

Subdivision 8. Municipal service of water and sanitary sewer.

All subdivision approved under this ordinance shall be serviced with municipal water and sanitary sewer as provided by the City Of Madison Lake. The extension of City water and sanitary sewer may be approved by the City Council provided that Subdivision is annexed. The subdivider shall be responsible for the entire cost of extension, unless otherwise agreed to by the City and subdivider.

Section 220.45. Registered Land Surveys.

Subdivision 1. Application.

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

Section 220.50. Conformance.

Subdivision 1. Conformance to Zoning.

Final approval of any plat or registered land survey under the provisions of this Ordinance shall not relieve the developer or property owner of any obligation to meet all requirements contained in the city zoning ordinance. Any provisions of this Ordinance which are more restrictive shall apply including the Minnesota Department of Natural Resources Overlay District.

Section 220.55. Fees

Subdivision 1. Required Fees.

The preliminary plat shall be accompanied by a fee as may be established by resolution of the City Council of the City of Madison Lake.

Section 220.60. Extension of Subdivision Regulations.

The City of Madison Lake, as enabled by Minnesota Statutes Section

462.358, Subdivision 1 A, hereby extends the Subdivision regulations of this Chapter to unincorporated territory located within two (2) miles of the Madison Lake City limits.

Section 220.65. Administration and Enforcement.

Subdivision 1. **Administration.**

1. **Responsible Official.** It shall be the duty of the City Council to see that the provisions of this Ordinance are properly enforced by the Planning Commission.
2. **Building, Land Development, or Zoning Permit.** No permit shall be issued by any governing official for the construction of any buildings, structures, or improvements on any land henceforth subdivided until all requirements of this Ordinance have been fully complied with.
3. **Minor Subdivisions.** In the case of a Subdivision of small size and situated in a locality where conditions are well defined, the City Council may exempt the subdivider from complying with some of the requirements stipulated. In the case of a request to divide a lot which is 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 Ordinance, Section, or Subdivision of the Zoning Ordinance, the division may be approved by the Council after submission of a survey and legal description showing the original lot and the proposed division.

Subdivision 4. **Validity.** Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 220.70 Violations and Penalty.

Subdivision 1. **The Sale of Lots from Unrecorded Plats.** It shall be unlawful to sell, trade, or offer to sell or otherwise convey any lot or parcel of lot as a part of or in conformity with any plan, plat, or replat of any Subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat, or replat shall have first been recorded in the Office of the County Recorder of Blue Earth County.

Subdivision 2. **Receiving and Recording Unapproved Plats.** It shall be unlawful to receive or record in any public office any plans, plats, or replats of land laid out in building lots and highways, streets, roads, alleys, or other portions of the same intended to be dedicated to public: or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

Subdivision 3. **Misrepresentation as to Construction, Supervision, or Inspection of Improvements.** It shall be unlawful for any subdivider, person, firm, or corporation owning an

addition or Subdivision of land within the City to represent that any improvement upon any of the highways, street, or alleys of said addition or Subdivision or any sewer in said addition or Subdivision has been constructed according to the plans and specifications approved by the City Council or has been supervised or inspected by the City when such improvements have not been so constructed, supervised, or inspected.

Subdivision 4. **Penalty.** Any person found guilty of violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day a violation is allowed to continue shall constitute a separate offense. Any owner or agent of an owner of land who conveys a lot or parcel in violation of the provisions of this Subdivision shall forfeit and pay to the City of Madison Lake a penalty of not less than one hundred dollars (\$100) for conveyance or parcel so conveyed. A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

Section 220.80 Repeal of Conflicting Ordinances and Effective Date.

Subdivision 1. **Repeal and Date of Effect.**

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective after its final passage, approval, and summary publication as provided by the law.

Passed by the City Council the 5th day of November, 2001.

CLELL HEMPHILL
Mayor

Attest:

DEBRA DEVLAEINCK
City Clerk