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**NOTE: FOR MINOR DIVISIONS IN UNINCORPORATED AREAS IN THE CITY OF DILWORTH'S TWO MILE SUBDIVISION JURISDICTION, SEE SECTION 4.010-B AND SECTION 4.010-C OR SECTION 3.030-E AND 3.030-F.**

# CHAPTER 1: GENERAL PROVISIONS

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## **1.010 TITLE & EFFECTIVE DATE**

The official title of this Ordinance is the *Subdivision Ordinance of the City of Dilworth, Minnesota*. This Subdivision Ordinance shall become effective on May 26, 2015 and is referred to within this document as either the “Subdivision Ordinance” or “Ordinance”.

## **1.020 PURPOSE**

All divisions of land thereafter submitted to the City must fully comply with the regulations to:

- A. Provide for and guide the orderly, economic, and safe development of land, urban services, and facilities.
- B. Encourage well-planned, efficient, and attractive subdivisions by establishing adequate and impartial standards for design and construction.
- C. Provide for the health, safety, and general welfare of residents by requiring the necessary services such as properly designed streets and adequate wastewater and water service.
- D. Place the cost of improvements against those benefitting from their construction.
- E. Secure the rights of the public with respect to public lands.
- F. Set the minimum requirements necessary to protect the public health, safety, and general welfare.

## **1.030 SCOPE OF LEGAL AUTHORITY**

- A. The rules and regulations governing plats and subdivision of land contained herein will apply within the boundaries of the City and within all unincorporated areas from the City’s boundary for a distance of two (2) miles as permitted by Minnesota Statutes annotated Section 462.358. In the event of overlapping jurisdiction within the prescribed area, the extent of overlapping jurisdiction will be determined and agreed upon between the City and the other municipality or municipalities concerned. This title is not intended to repeal, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or with restrictive covenants running with the land except those specifically repealed by or in conflict with this Ordinance.
- B. The City has the power and authority to review, amend, and approve subdivisions of land already recorded in the office of the County Recorder if such plats are entirely or partially undeveloped.
- C. The plat will be considered to be entirely or partially undeveloped if it meets one or both of the following criteria:
  - 1. The plat has been recorded with the County Recorder without prior approval by the City where approval was required. This applies to all plats within the corporate limits and all plats filed after February 21, 1973, that fall within Dilworth’s two (2) mile subdivision jurisdiction.
  - 2. The plat has been approved by the City and the approval has been granted more than three (3) years prior to granting a building permit on the partially or entirely undeveloped land and the subdivision or zoning regulations for the district in which the subdivision is located have been changed subsequent to the original final subdivision approval.

## **1.040 INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare and to implement the Comprehensive Plan. The City Council and/or Planning Commission has the option, however, to deviate from the standards set forth herein as part of a preplanned, coordinated development project processed as a planned unit development or land subdivision as governed by the Subdivision Ordinance. Moreover, as specified herein, developer's agreements approved by the City and the applicant may be utilized to accommodate special situations.

## **1.050 EXISTING LAW**

- A. General. This Subdivision Ordinance is intended to compliment other local, state, and federal regulations that affect zoning and land use. This Ordinance is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more or less restrictive than comparable standards imposed by other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the City, shall govern.
- B. Private Agreements. This Subdivision Ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Regulations within this Ordinance shall not be construed to modify or repeal any private covenant, deed restriction, or agreement; however, such private covenant, restriction, or agreement shall not provide a means to avoid compliance with this Ordinance. The City is not obligated in any manner to enforce or administer provisions established within private covenants, agreements, or restrictions.

## **1.060 SEVERABILITY**

If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be unconstitutional or 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 unconstitutional or invalid.

## **1.070 REPEAL OF CONFLICTING ORDINANCES**

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.

## **1.080 RELATION TO THE ADOPTED COMPREHENSIVE PLAN**

Enforcement, amendment, and administration of this Ordinance will be accomplished with due consideration of the recommendations contained in the Comprehensive Plan for the City of Dilworth, Minnesota, as adopted and periodically amended by the Planning Commission and City Council. The City Council recognizes the Comprehensive Plan as the principle guidance for regulating land use and development in accordance with the policies and purpose set forth in this Ordinance.

## **1.090 AUTHORITY**

This Ordinance is enacted pursuant to authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to Section 462.363.

**1.100****PUBLIC PURPOSE**

Regulation of subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

## CHAPTER 2: RULES & DEFINITIONS

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### 2.010 RULES

For the purpose of this Ordinance, certain words and terms used herein shall be interpreted as follows:

- A. The word “person” includes an owner or representative of the owner, firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular includes the plural, and the plural includes the singular.
- C. The word “shall” is mandatory; the word “may” is permissive.

### 2.020 DEFINITIONS

Wherever the following words and terms occur in this Ordinance they shall be interpreted as herein defined:

**Alley:** A public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

**Applicant:** The owner, their agent or person having legal control, ownership and/or interest in the land proposed to be subdivided.

**Attorney:** The attorney employed or retained by the City unless otherwise stated.

**BWSR:** State of Minnesota Board of Water and Soil Resources or its successor.

**Bikeway:** A public right-of-way or easement across a block or within a block to provide access for bicyclists and in which a path or trail is installed.

**Block:** An area of land within a subdivision that is bounded by streets and public parks, cemeteries, railroad right-of-way, drainage ditches, or boundary lines of municipalities.

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

**Building:** Any structure built for the support, shelter or enclosure of persons, animals, chattel, or movable property of any kind, and includes any structure.

**Building Code:** The building code adopted by the State of Minnesota.

**Building Official:** Representatives of the City who have been appointed by the City Council and/or assigned the responsibility of enforcing provisions of this Ordinance.

**Certificate of Survey:** A document prepared by a registered land surveyor which precisely describes area, dimensions, and location of a parcel of land.

**City:** The City of Dilworth.

**City Council:** The City Council of Dilworth, Minnesota.

**Common Open Space:** Any open space including private parks, nature areas, playgrounds, trails, and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

**Comprehensive Plan:** Unless otherwise stated, it is the general plan for land use, housing, transportation, and community facilities prepared and maintained by the City Council for the municipality.

**Contour Map:** A map on which irregularities of land surface are shown by lines connecting points of equal elevation. 'Contour Interval' will mean the vertical height between contour lines.

**Copy:** A print or reproduction made from an original.

**County:** Clay County, Minnesota.

**Design Standards:** Specifications that applicants proposing to subdivide land must follow when preparing 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.

**Development:** The act of building structures and installing site improvements.

**Drainage Course:** A watercourse or indenture for the drainage of surface water.

**Dwelling:** A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, motels, or boarding houses.

**Dwelling, Multiple-Family:** A residence designed for or occupied by two (2) or more families living independently of each other, with separate housekeeping and cooking facilities for each unit.

**Dwelling, Single-Family:** A residence designed for or occupied by one (1) family only.

**Dwelling, Two-Family:** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. This would include single-family homes with an apartment in the basement. A two family dwelling (duplex) with a rooming unit(s) shall be considered and classified as a multi-family dwelling.

**Dwelling Unit:** A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking, and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes, or trailers.

**Dwelling Unit, Efficiency:** Any one (1) room unit having cooking facilities and used for combined living, dining, and sleeping purposes.

**Easement:** A grant by an owner of land for a specific use by persons other than the owner.

**Engineer of City or City Engineer:** The registered engineer employed or retained by the City, unless otherwise stated.

**Final Plat:** A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Clay County for the purpose of recording.



**Flood Related:**

- A. Equal Degree of Encroachment: Method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.
- B. FEMA: Federal Emergency Management Agency
- C. Flood: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
- D. Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equally or exceeded.
- E. Flood Fringe: That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the flood insurance study for the City.
- F. Flood Hazard Areas: The areas included in the floodway and flood fringe as indicated on the official zoning map and the flood insurance study and flood insurance rate map which have been officially adopted by the City.
- G. Flood Insurance Rate Map: The flood insurance rate map prepared by the Federal Emergency Management Agency for the City.
- H. Flood Insurance Study: The flood insurance study prepared for the City by the Federal Emergency Management Agency and dated May 19, 1981, and, as applicable and allowed by law, the flood insurance study prepared by the Federal Emergency Management Agency for Clay County and dated April 17, 2012.
- I. Flood Plain: The areas adjoining a watercourse which has been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the flood insurance study.
- J. Floodproofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.
- K. Floodway: The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the flood insurance study.
- L. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse of regulatory flood hazard area which might impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- M. 100-Year Flood: A flood which is representative of a large regional flood known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the flood insurance study.

- N. **Reach:** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by the natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- O. **Regulatory Flood Projection Elevation:** A point not less than one foot (1') above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data from the flood insurance study plus any increase in flood height attributed to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

**Governing Body:** The Dilworth City Council

**Key Map:** A small or large scale map which definitively shows the area proposed to be platted in relation to known geographical features (e.g., town center, lakes, and streets).

**Impervious Surface:** An artificial or natural surface through which water, air, or roots cannot penetrate.

**Landscaping:** Planting, such as trees, flowers, grass, shrubs, and may include the reshaping of the land by moving earth or other physical improvements.

**Lot:** A parcel or portion of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

**Lot Area:** The total horizontal area within the lot lines, exclusive of any portion of the right-of-way of any public roadway.

**Lot, Base:** Lots meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling.

**Lot, Corner:** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five degrees (135°).

**Lot Coverage:** Those areas covered by principal buildings, accessory buildings, and garages but does not include areas used for walkways, access drives, parking spaces, open patios, swimming pools, tennis courts, and landscaping elements.

**Lot Depth:** Lot depths shall be considered to be the distance between the midpoint of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**Lot, Double Frontage:** An interior lot having frontage on two (2) streets.

**Lot Front:** The front of a lot shall be considered to be that boundary abutting a public right-of-way having the least width. In a through lot where the lot abuts a limited access street, the front of the lot will be on the street opposite from the limited access street.

**Lot Improvement:** Any building, structure, place, work of art or other object, or improvement of the land on which it is situated, a physical betterment of real property, or any part of such betterment.

**Lot Line:** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

**Lot Line, Front:** That boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the building official.

**Lot Line, Rear:** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line of ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

**Lot Line, Side:** Any boundary of a lot which is not a front lot line or rear lot line.

**Lot of Record:** Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an auditor's outlot or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditor's subdivision or registered land survey has been recorded in the Office of the Register of Deeds or Registrar of Ordinances for Clay County prior to the effective date of this Ordinance.

**Lot, Substandard:** A lot or parcel of land for which a deed has been recorded in the office of the Clay County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

**Lot Unit:** Lots created from the subdivision of a two-family dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.

**Lot Width:** The distance between the side lot lines, measured along the setback line as established by this Ordinance, or if no setback line is established, the distance between the side lot lines along the measured street line.

**Metes and Bounds Description:** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot, or area by described lines or portions thereof.

**Natural Waterway:** A natural passageway on the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

**Open Space:** Any open area not covered by structures, but not limited to the following uses: required or established yard areas, parking areas, sidewalks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, groundwater recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

**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.

**Owner:** An individual, association, syndicate, partnership, corporation, trust, or any other legal ownership interest in land buildings, structures, dwelling unit(s), or other property.

**Parcel:** An individual lot or tract of land.

**Parks and Playgrounds:** Public land and open space in the City dedicated or reserved for recreational purposes.

**Pedestrianway:** A public right-of-way or easement across or within a block to provide access for pedestrians and which may be used for the installation of paths or trails.

**Percentage of Grade:** Along a centerline of a street, the change in vertical elevation in feet and tenths of a foot for each one hundred feet (100') of horizontal distance, expressed as a percentage.

**Person:** Any individual or legal entity.

**Planner:** The Dilworth City Planner

**Planning Commission:** The Dilworth Planning Commission.

**Preliminary Plat:** A detailed drawing or map of a proposed subdivision, meeting the requirements of this Ordinance and in compliance with the Comprehensive Plan, submitted to the Planning Commission and governing body for their consideration.

**Private Street:** A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public and is owned by one or more private parties.

**Protective Covenants:** Contracts entered into between owners and holders of mortgages constituting a restriction on the use of property within a subdivision for the benefit of the property owners.

**Public:** Pertaining to municipal, school district, county, state, or other governmental units.

**Public Improvement:** Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is established.

**Public Uses:** Uses owned or operated by municipal, school districts, county, state, or other governmental units.

**Restrictive Covenants:** Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of property value and economic integrity of any given area.

**Right-of-Way:** Land acquired by reservation, dedication, or otherwise intended for public use, and intended to be occupied or occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer, or other similar uses.

**Setback:** The minimum horizontal distances between a structure and the property line nearest thereto.

**Sidewalk:** A paved portion of the street right-of-way between the curb lines and adjacent property lines intended for pedestrian travel.

**Sketch Plan:** A conceptual plan to facilitate discussion between the applicant and City staff regarding a proposed subdivision. The sketch plan may show the proposed layout of streets, lots, proposed playgrounds and parks, the 100-year flood contour line, zoning, approximate lot sizes, and as much relevant information as possible.

**State:** The State of Minnesota

**Street:** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through way, road, avenue, boulevard, lane, place, drive, court or otherwise

designation, which has been dedicated to the public for public use and which affords principal means of access to abutting property.

**Street Line:** The right-of-way line of a street.

**Street Pavement:** The wearing or exposed surface of a street or roadway used by vehicular traffic.

**Street Width:** The shortest distance between the curb lines of a street.

**Streets, Arterial:** Those streets carrying larger volumes of traffic and serving as links between various sub-areas of the City. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

**Streets, Collector:** Those streets intended to provide a balance between mobility and access, serve moderate traffic volumes, and provide for collection and distribution of traffic from local streets to streets of higher classification. Collector streets provide access to neighborhoods and important travel generators. A limited degree of direct land access is acceptable for safe and efficient operation.

**Streets, Cul-de-Sac:** A local street with only one (1) outlet and having an appropriate terminal or terminals for the safe and convenient reversal of traffic movement.

**Streets, Local:** Those streets intended to provide direct access to various land uses. Local streets provide low mobility and serve the lowest traffic volumes. Typically, the local street is a two (2) lane road.

**Streets, Marginal Access (Frontage Road):** Those local streets which are parallel and adjacent to high volume arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

**Structure:** Anything which is built, constructed, or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, structures including buildings, manufactured homes, walls, fences, towers, antennas, swimming pools, billboards, and poster panels.

**Subdividing:** The process of dividing land.

**Subdivision:** The dividing of an area, parcel, or tract of land 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. This term includes resubdivision and, where appropriate to the context, will relate to the process of subdividing or to the land subdivided. Subdivision will apply as outlined herein except for these separations:

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

**Surveyor:** A land surveyor registered under Minnesota State laws.

**Tracing:** A plat or map drawn on transparent paper, film, or cloth which can be reproduced by using regular reproduction procedure.

**Usable Open Space:** A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for recreational purpose. Roofs, driveways, and parking areas shall not constitute usable open space.

**Use:** The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized, or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.

**USGS:** United States Geological Survey.

**Variance:** A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for area, size of structure, size of yards, setback and side yard requirements, and parking requirements; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

**Watershed:** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

**Wetlands:** An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominately aquatic form of vegetation, and which may have the following characteristics:

- A. Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1,2,3,4,6,7 and 8 described by the United States fish and wildlife services, circular 39, wetlands of the U.S. 1956).
- B. Mineral soils with gley horizons or organic soils belonging to the histosol order (peat and muck).
- C. Soil which is water logged or covered with water at least three (3) months of the year.

Swamps, bogs, marshes, potholes, wet meadows and sloughs are wetlands, and such property, may be shallow waterbodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage, but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**Zoning Map:** The map or maps incorporated into this Ordinance as part thereof, designating the zoning districts.

**Zoning Ordinance:** The Zoning Ordinance of the City of Dilworth.

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## CHAPTER 3: ADMINISTRATION & ENFORCEMENT

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### **3.010 ADMINISTRATION**

This Ordinance will be administered by the City Council or its designee.

### **3.020 AMENDMENTS**

The provisions of this Ordinance may be amended by action of the City Council.

### **3.030 UNAPPROVED SUBDIVISIONS**

No conveyance of land to which these regulations are applicable should be filed or recorded if the land is described in the conveyance 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 such regulations became effective. The foregoing provision does not apply to a conveyance if the land described:

- A. Was a separate parcel of record on April 1, 1945, or the date of adoption of subdivision regulation under laws 1945, chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter; or
- B. Was the subject of a written agreement to convey entered into prior to such time; or
- C. Was a separate parcel of not less than two and one-half (2 ½) acres in area and one hundred fifty feet (150') in width on January 1, 1966; or
- D. Was a separate parcel of not less than five (5) acres in area and three hundred feet (300') in width on July 1, 1980; or
- 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 three hundred feet (300') 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 three hundred feet (300') in width; or
- F. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred feet (500') 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 five hundred feet (500') in width.

In any case in which failure to comply does not interfere with the purposes of the subdivision regulations, the City may waive such compliance pursuant to the provisions of Section 4.010 of this Ordinance.

### **3.040 BUILDING PERMITS**

No building permit may be issued for any construction, enlargement, alteration, repair, demolition, or moving of any building or structure on any lot or parcel until all the requirements of these regulations have been fully met.

### **3.050 RESUBDIVISION OF LAND**

A proposed subdivision must conform to the City's Comprehensive Plan, or similar document, growth area plans, neighborhood plans, related policies adopted by the City Council, and to the Zoning Ordinance.

**3.060****VARIANCES**

A proposed subdivision must conform to the City's Comprehensive Plan, or similar document, growth area plans, neighborhood plans, related policies adopted by the City Council, and to the Zoning Ordinance.

**3.070****VIOLATIONS & PENALTY**

- A. Sale of Lots from Unrecorded Plats: It is a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of this Ordinance unless the plan, plat, or replat has first been recorded in the office of the County Recorder.
- B. Recording Unapproved Plats: It is unlawful for a person to record in any public office any plans, plats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this chapter, unless the same bear thereon, by endorsement or otherwise, the approval of the City Council.
- C. Penalty: Any person violating any of the provisions of this Ordinance may be guilty of a misdemeanor. Each day during which compliance is delayed or such violation continues or occurs will constitute a separate offense and may be prosecuted as such.



## CHAPTER 4: PROCEDURES FOR FILING & REVIEW

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### 4.010 ADMINISTRATIVE & MINOR SUBDIVISION

When in the best interest of the City and in cases of administrative or minor subdivision, the platting procedures of this title may be waived in accordance with the following:

A. Administrative Subdivisions: The following shall be considered an administrative subdivision:

1. A boundary adjustment relocating a property line between adjoining parcels, provided the subdivision does not create a new tax parcel and each parcel retains sufficient lot size required by the Zoning Ordinance.
2. A split of an existing platted lot to accommodate the separate ownership of each unit in a single-family attached dwelling, provided the subdivision does not increase the density beyond the maximum number of units allowed for that parcel by the Zoning Ordinance or a developer's agreement approved by the City Council.
3. A combination of two (2) or more contiguous tax parcels into one (1) parcel of record.

The City may waive the platting requirement and administratively approve a subdivision in these instances.

B. Minor Subdivisions: The following shall be considered a minor subdivision:

1. A subdivision, other than a division of a single-family attached dwelling, that contains not more than three (3) splits.
2. A subdivision by metes and bounds description which would increase the density of a tax parcel beyond what is allowed by its zoning classification.
3. Any other subdivision of property by metes and bounds description, including a subdivision within the unincorporated area from the City's boundary for a distance of two (2) miles, which is not defined as an administrative subdivision by Subsection A of this section.

The City may waive the platting requirement and approve a minor subdivision in these instances.

C. Approval: Administrative and minor subdivisions may be approved provided that:

1. There is no need for public improvements as a result of the subdivision;
2. The subdivision does not violate any provision of the Zoning Ordinance, Comprehensive Plan, or any other state or local ordinance;
3. The subdivision does not adversely affect public health, safety, and general welfare;
4. The subdivision is not part of a continuing scheme of lot splitting for a particular area;
5. Any platted lot may be split up to four (4) times through administrative or minor subdivision;
6. A completed City of Dilworth application form, legal description of the proposed parcels, drawing of the existing and proposed parcels, drawing of the existing and proposed parcels, setback of existing structures to the proposed property lines, and an explanation of any encroachments are provided to the City of Dilworth Planner and City Administrator.
7. The applicant shall submit documentation that the respective Township has received and approved the proposed subdivision and related use, as applicable.

- A. **Application Requirements:** Prior to the filing of an application of a preliminary plat, the applicant shall meet with the City of Dilworth Planner and City Administrator for informal discussion of the proposed plat. A sketch plan may be used to facilitate discussion between the applicant and City staff regarding a proposed subdivision. After the preapplication meeting(s), the applicant must prepare and file with the City an electronic version and two (2) large copies twenty two inches by thirty four inches (22" x 34"), two (2) eleven inch by seventeen inch (11" x 17") copies, and one (1) reduced scale eight and one-half inch by eleven inch (8½" x 11") copy of a preliminary plat and supportive information which is in conformity with the requirements of Section 5.010 of this Ordinance and pay the appropriate review fee as established by the City Council, at least fifteen (15) working days prior to the regularly scheduled or special Planning Commission meeting at which it is proposed to be heard.
- B. **Official Application:** The applicant must include any citizen action request form necessary to zone or rezone the proposed subdivision plat or development area, and for any anticipated variance(s) from the provisions of this chapter, as set out in Section 3.030 of this Ordinance. The plat will be considered as being officially submitted when all of the information requirements are complied with and the appropriate review fee(s) paid.
- C. **Subdivision Jurisdiction:** If the subdivision lies outside the City limits and within Dilworth's two (2) mile subdivision jurisdiction and there are no immediate plans to annex, the City must refer one copy of the preliminary plat to the appropriate Township Planning Commission and one (1) copy to the County Planning Commission for their review and comment. The applicant or owner may be required to appear at the Township Planning Commission or County Planning Commission. The Township Planning Commission and County Planning Commission are requested to forward their written comments to the City Planner within sixty (60) days of receipt of the preliminary plat.
- D. **Public Hearing:** Upon receipt of the completed application as outlined in Subsection A of this section, the City Planner will set a public hearing for public review of the preliminary plat by the Planning Commission. The hearing will be held within sixty (60) days of the completed filing of the application. The applicant and/or their representative(s) must appear at the public hearing. Notice of the hearing may be legal or display advertisement and will consist of a legal property description, description of request, and must be published in the official newspaper at least ten (10) days prior to the hearing.
- E. **Review by Other Commissions, Jurisdictions, and/or Utility Companies:** The applicant will refer copies of the preliminary plat to County, State, or other municipal jurisdictions, as well as utility companies, for their review and comment, where appropriate and when required.
- F. **Planning Commission Action:** The Planning Commission will report its findings and make its recommendation to the City Council no later than sixty (60) days after the close of public hearing described in Subsection D of this section. If the Planning Commission has not acted upon the preliminary plat within sixty (60) days following the close of public hearing on such and in compliance with this chapter, the Council may act on the preliminary plat without the Planning Commission's recommendation.
- G. **Preliminary Plat Approval:** The Planning Commission's approval of the preliminary plat will not constitute approval of the final plat. Rather, it will be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted to the Planning Commission, at a future date, and subsequent recommendation forwarded to the City Council for final plat approval and recording with the County Recorder, upon fulfillment of the requirements of these regulations and the conditions of conditional approval, if any.
- H. **City Council Action:**
1. The Council will approve or disapprove the preliminary plat within sixty days (60) days following the recommendation and report from the Planning Commission.

2. If the preliminary plat is not approved by the City Council, the reasons for such action must be recorded in the proceedings of the Council and must be transmitted to the applicant. If the preliminary plat is approved, such approval will not constitute final acceptance of the design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare, and convenience of the City.
3. The City Council reserves the right to decline approval of a preliminary plat if due regard is not shown for the preservation of all natural features, such as topography, trees, and watercourses.
4. Following City Council approval of a preliminary plat, the applicant must submit a final plat to the City Planner, to be reviewed and a recommendation made by the Planning Commission to the City Council, within sixty (60) days of preliminary plat approval by the City Council unless a request for time extension is submitted in writing and approved by the City Council. If an extension is not made and the sixty (60) day timeline passes, then approval of the preliminary plat will be considered void.
5. If substantial modifications are necessary on an approved preliminary plat, the plat must be resubmitted for preliminary plat approval. However, if only minor modifications are necessary, the plat may be submitted as a final plat.

#### **4.030 FINAL PLAT**

- A. **Submittal:** After the preliminary plat has been approved, a final plat must be submitted for review as set forth in the subsections which follow. The final plat, which must be prepared by a certified land surveyor, will incorporate all minor corrections, modifications, and revisions required by the City and associated utility agencies, and conform to the approved preliminary plat. The applicant must complete a City action request form for final plat approval attaching the appropriate review fee.
- B. **Compliance:** All final plats must comply with the provisions of Minnesota State Statutes and requirements of this chapter.
- C. **Review of a Final Plat:**
  1. The applicant must prepare and file with the City an electronic version and two (2) large copies twenty two inches by thirty four inches (22" x 34"), two (2) eleven inch by seventeen inch (11" x 17") copies, and one (1) reduced scale, eight and one-half inch by eleven inch (8½" x 11") copy of a final plat and supportive information which is in conformity with the requirements of Section 5.020 of this Ordinance, complete a City action request form, and pay the appropriate review fee as established by City Council, at least fifteen (15) working days prior to the regularly scheduled or special Planning Commission meeting at which it is proposed to be heard.
  2. Upon receipt of the completed application as outlined in Subsection C1 of this section, the City Planner must set a public hearing for public review of the final plat by the Planning Commission. The hearing will be held within sixty (60) days of the completed filing of the application. The applicant and/or their representative(s) must appear at the public hearing. Notice of the hearing may be a legal or display advertisement and will consist of a legal property description, description of request, and will be published in the official newspaper at least ten (10) days prior to the hearing.
  3. The applicant will refer copies of the final plat to County, State, or municipal jurisdictions, as well as utility companies, for their review and comment, where appropriate and when required.

4. Prior to recording of a final plat, the City must have approved the developer's agreement with the property owner, which controls the installation of all municipal improvements, utility systems, sidewalks and boulevard trees, and other development issues. Said agreement will require all improvements to comply with approved engineering standards and applicable regulations.
5. The Planning Commission will report its findings and make its recommendation to the City Council not later than sixty (60) days after the close of public hearing described in Subsection C2 of this section. If the Planning Commission has not acted upon the final plat within sixty (60) days following the close of public hearing on such and in compliance with this chapter, the Council may act on the final plat without the Planning Commission's recommendation.
6. The City Council must take action on a final plat within sixty (60) days after receiving the report and recommendation from the Planning Commission. If the final plat is not approved by the City Council, the reasons for such action will be recorded in the official proceedings of the City and will be transmitted to the applicant.
7. Upon receiving final plat approval by the City Council the applicant or his/her agent must, within sixty (60) days, provide the City Planner with all necessary mylars and hard boards for City designated representative signatures. After all City signatures have been applied to the mylars and hard boards the applicant will record said plat with the County Recorder within sixty (60) days, or the approved final plat will be considered void unless the applicant receives an extension from the City Planner. Upon delivery of the final plat to the County Recorder, the applicant will be required to ensure that all applicable fees and taxes are paid.
8. Upon recording of the final plat, the City Planner will notify the applicant or his/her agent of the recording and make available a signed copy of the plat.
9. Upon receiving final plat approval, the applicant or his/her agent must submit a copy of the plat in electronic format compatible with software in use by the City at the time of submittal and with the Fargo-Moorhead Metropolitan Council of Governments layering scheme. The computerized plat must be referenced as County coordinates and provide a seamless edge match to the existing City database. Coordinates of existing plats will be provided by City staff.

#### **4.040 DENIAL OF PLAT**

The Planning Commission may recommend denial and the Council may deny a subdivision if it makes any of the following findings:

- A. Conflicts: That the proposed subdivision is in direct conflict with adopted applicable general and specific Comprehensive Plans of the City, County, or Township;
- B. Physical Characteristics: That the physical characteristics of this site, including, but not limited to, topography, percolation rate, soil conditions, 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, design, or use contemplated;
- C. Density: That the site is not physically suitable for the proposed density of development;
- D. Environmental Damage: That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- E. Public Health: That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
- F. Conflict with Easement: That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;

- G. Outside of Boundaries: That the proposed subdivision is outside the boundaries of the City and;
1. The County, Township, or developer has not certified in writing that they will assume all responsibility for repair and maintenance of dedicated streets until annexed to the City; or
  2. The Township or County has not certified in writing that it has the capacity for and will provide police and fire protection and on-site sewer system inspections to ensure proper installation.
- H. Flooding Provisions: That the proposed subdivision, its site, or its design adversely affects the flood carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.
- I. MEQB Policies: The proposed subdivision is inconsistent with the policies of the Minnesota Environmental Quality Board (MEQB), as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council in violation of federal and state historical preservation laws.

# CHAPTER 5: PLAT & DATA REQUIREMENTS

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## 5.010 PRELIMINARY PLAT

The applicant must prepare and submit a preliminary plat, together with a completed City action request form and appropriate fee. The preliminary plat should contain the information set forth in the subsections which follow. Upon specific request, the City may exempt an applicant from the submission of data which is not considered relevant to the application:

### A. Identification and Description:

1. The proposed name of the subdivision; names must not duplicate or be alike in pronunciation to the name of any plat recorded in the City or begin with the wording "replat".
2. Name of the owner(s) of record, or any agent having control of the land, and the land surveyor.
3. Location of boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property.
4. Graphic scale not less than one inch (1") to one hundred feet (100') for large scale copies, twenty two inches by thirty four inches (22" x 34").
5. North point/arrow.
6. Date of preparation.

### B. Existing Conditions:

1. Boundary lines to include bearings and distances.
2. Location of existing rights-of way, recorded easements, parks, and other land dedicated for public use.
3. 100-year flood elevations, the regulatory flood protection elevation, and boundaries of floodway and flood fringe areas, if known, taking into consideration the flood insurance study and flood insurance rate map.

### C. Proposed Subdivision Features:

1. Layout of proposed streets showing the right-of-way widths and proposed names of streets in conformance with City and County street identification policies. The name of any street heretofore used in the City or its environs should not be used unless the proposed street is a logical extension of an already named street, in which even the same name should be used.
2. Each plat must provide at least two (2) points of entry to adjacent streets, unless otherwise approved by the City Council.
3. Locations and of proposed alleys and pedestrianways.
4. Site(s) dedicated for parks, playgrounds, or other public uses to include size of such dedications.
5. Areas, other than streets, alleys, bikeways, pedestrianways, and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
6. Lot lines, lot numbers, and block numbers.

7. Lot dimensions.
  8. Total acreage of proposed plat area.
- D. Supplementary Information: Any or all of the supplementary information requirements set forth in this subsection should be submitted separately from the plat when deemed necessary by the City staff, consultants, advisory bodies, and/or City Council to adequately address the application and site in question.
1. Plan showing the locations of sidewalks and bikeways.
  2. Grading plan which must include the proposed grading and drainage of the site, including provisions for storm water detention and drainage.
  3. Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in accordance with the Zoning Ordinance and by use of the 100-year flood profile and other supporting technical data in the flood insurance study.
  4. Existing zoning classifications for land in and abutting the subdivision.
  5. Minimum front and side street building setback line, including those located on curves and within cul-de-sacs.
  6. Sites, if any, for multi-family dwellings, shopping centers, churches, industry, or other non-public uses exclusive of single-family dwellings.
  7. Location and size of existing sewers, water mains, culverts, or other underground facilities within the preliminary plat area and to a distance of one hundred fifty feet (150') beyond. Such data as grades and locations of catch basins, manholes, hydrants, and street pavement width and type also must be shown.
  8. Topographic data, including contours at vertical intervals of not more than one-half foot (1/2') shown on a contour/topographic map. Watercourses, marshes, wooded areas, rock outcroppings, power transmission poles and lines, and other significant features also must be shown. USGS datum must be used for all topographic mapping where feasible.
  9. Subsurface conditions on tracts for subdivisions utilizing individual water and wastewater disposal systems; location and results of tests to ascertain subsurface soil, rock, and ground water conditions and availability; location and results of soil percolation tests.
  10. Other conditions on the tract: water courses, marshes, rock outcroppings, wooded areas, isolated preservable trees one foot (1') or more in diameter, existing houses, barns, and other significant features.
  11. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, park facilities, fire hazards, and congestion of population. The City may require the applicant to have formal traffic studies performed to the City's satisfaction which show the effect of the proposed development on traffic, fire hazards, and congestion.
  12. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, must be shown. Such proposed zoning plans will be for information only and will not vest any rights in the applicant.
  13. A storm water management plan both during construction and after development has been completed. Such plans are to be in accordance with best management practices (BMPs) as

provided by City ordinance, the Minnesota Pollution Control Agency, and the Board of Water and Soil Resources.

14. A statement certifying the environmental condition of the site including the presence of any hazardous substance as defined in Minnesota Statutes 115B.02, Subdivision 8. Such statement may be required to be based upon an environmental assessment of the site by an environmental engineering firm acceptable to the City.
15. An environmental assessment worksheet must be submitted if the City, City consultants, Minnesota Environmental Quality Board or other groups or agencies determine that one is required by law.
16. Total square footage of each lot and block
17. Such other information as may be required by the City.

## **5.020 FINAL PLAT**

The applicant must submit a final plat together with a completed City action request form, appropriate fee, and any necessary supplementary information. The final plat, prepared for recording purposes, must be prepared in accordance with provisions of Minnesota State Statutes and Clay County regulations, and such final plat must contain the following information:

### A. General Requirements:

1. The final plat must be prepared and certified by a land surveyor who is registered in the state and must comply with the provisions of the law and this Ordinance.
2. Name of the subdivision, which must not duplicate or too closely approximate the name of any existing plat recorded in the County or begin with the wording "replat".
3. Location by Section, Township, Range, County, and State, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions.
4. The location of monuments must be shown and described on the final plat. Locations of such monuments must be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
5. Location of lots, outlots, street rights-of way, public highways, alleys, and parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground must be shown. Dimensions must be shown from all angle points of curve to lot lines.
6. Lots must be numbered clearly, blocks are to be numbered, with numbers shown clearly in the center of the block.
7. Total square footage per lot, acreage per block, and total acres in the plat, to be submitted separately from the plat.
8. The exact locations, widths, and names of all streets to be dedicated.
9. Location, purpose, and width of all easements to be dedicated.
10. Scale not less than one inch to one hundred feet (1" = 100') of plat for large scale copies, twenty two inches by thirty four inches (22" x 44") (the scale to be shown graphically on a bar scale), date, and north arrow.



11. A written statement from the County or Township submitted separately, if the subdivision lies outside the boundaries of the City and is not to be annexed certifying the following:
  - a. That the road authority, County, Township, or developer will assume all responsibility for repair and maintenance of dedicated streets until annexation to the City.
  - b. That the Township or County has the capacity for and will provide police and fire protection and on-site sewer system and well inspections to ensure proper installations.
12. An executed copy of restrictive covenants to be submitted separately from the plat.
13. Statement dedicating all easements as follows: "Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the designated areas marked 'utility easements'".
14. Statement dedicating all streets, alleys, and other public areas not previously dedicated as follows: "Streets, alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated".
15. Such other information that may be required by the City.

#### **5.030 CERTIFICATION REQUIRED**

- A. Certification by a registered land surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.
- B. Execution of all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Section 505.03, Minnesota Statutes, as amended, and which certificate must include a dedication of the utility easements and other public areas in such form as approved by the City Council.
- C. Space for certificates of approval by the Planning Commission and City Council in the following form in a substantially similar form:

**CITY PLANNER/PLANNING COMMISSION CERTIFICATION**

*At a regular meeting of the PLANNING COMMISSION OF THE CITY OF DILWORTH, MINNESOTA, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the plat of \_\_\_\_\_ to the City of Dilworth, Clay County, Minnesota, was duly recommended for approval to the City Council.*

\_\_\_\_\_  
*(NAME OF CURRENT PLANNING COMMISSION CHAIR) Chair  
City of Dilworth, Minnesota*

**CITY COUNCIL CERTIFICATION**

*At a regular meeting of the CITY COUNCIL, OF THE CITY OF DILWORTH, MINNESOTA, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the plat of \_\_\_\_\_ to the City of Dilworth, Clay County, Minnesota, was duly approved.*

\_\_\_\_\_  
*(NAME OF CURRENT CITY ADMINISTRATOR) City Administrator  
City of Dilworth, Minnesota*

**CITY ENGINEER APPROVAL**

\_\_\_\_\_  
*(NAME OF CURRENT CITY ENGINEER) City Engineer  
City of Dilworth, Minnesota*

**5.040 METES & BOUNDS**

- A. Except in unique situations as may be allowed by the City Council or in cases of minor subdivisions, conveyances by metes and bounds will be prohibited where any lot or lots involved are less than five (5) acres in area or have a width of less than three hundred feet (300') at the building setback line.
- B. When a conveyance by metes and bounds is made and the parcels involved are between five (5) acres and twenty (20) acres in size, a survey of the parcels involved must be submitted to the City Planner before any building permits will be issued for those parcels, and a copy of the survey must be attached to the deed when it is submitted to the Clay County Recorder's Office for recording.

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## CHAPTER 6: SUBDIVISION DESIGN STANDARDS

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### **6.010 CONFORMITY WITH DILWORTH'S COMPREHENSIVE PLAN & ZONING ORDINANCE**

A proposed subdivision must conform to the City's Comprehensive Plan, or similar document, growth area plans, neighborhood plans, related policies adopted by the City Council, and to the Zoning Ordinance.

### **6.020 LAND REQUIREMENTS**

- A. Land should be suited to the purpose for which it is to be subdivided. No plan will be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, or adverse soil.
- B. Land subject to hazards to life, health, or property will not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- C. Proposed subdivisions will be coordinated with surrounding jurisdictions and/or neighborhoods, so that the City as a whole may develop efficiently and harmoniously.

### **6.030 BLOCKS**

- A. Accommodation: Block length and width or acreage within bounding streets must accommodate the size of residential lots required in the area by the Zoning Ordinance and to provide for convenient access, circulation control, and safety of street traffic.
- B. Block Length: In general, intersecting streets should be provided at such intervals so as to serve cross traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed one thousand two hundred feet (1,200') nor be less than three hundred feet (300') in length, except where topography or other conditions justify a departure from this minimum.
- C. Block Width: The width of the block should normally be sufficient to allow two (2) tiers of lots of minimum depth as required by the Zoning Ordinance except adjoining a lake, stream, river, railroad or arterial, or where one (1) tier or lot is necessary because of topographic conditions. Blocks intended for business or industrial uses should be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking, deliveries, and loading. Such facilities should be provided with safe and convenient limited access to the street system.

### **6.040 LOTS**

- A. Area: The minimum lot area, width, and depth should not be less than that established by the City Zoning Ordinance in effect at the time of adoption of the final plat.
- B. Side Lot Lines: Side lines of lots should be at perpendicular to street lines, radial to curved street lines, or radial to accommodate site specific topographic conditions.
- C. Frontage on Two Streets: Double frontage, or lots with frontage on two (2) parallel or nonintersecting streets should not be permitted, except where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable.
- D. Driveway Restrictions: In the case where a proposed plat is adjacent to a limited access highway, other major highway, principal or minor arterial streets, no direct vehicular access from individual lots to such streets and roads will be permitted.

- A. Conformance: Proposed streets must conform to state, metropolitan, and county highway plans which have been prepared, adopted and/or filed as prescribed by law.
- B. Topography: Streets should be logically related to the topography, so as to produce usable lots and reasonable grades.
- C. Access: Access must be given to all lots and portions of the tract in a subdivision and to adjacent unsubdivided parcels, unless the topography clearly indicates that such connection is not feasible. Reserved strips and landlocked areas must not be created.
- D. Continuation: The arrangement of streets in new subdivisions should make provision for the appropriate continuation of existing streets in adjoining areas.
- E. Projection: Where adjoining areas are not subdivided, but in the future may be subdivided, the arrangement of streets in a new subdivision should make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. A temporary turnaround facility may be required at the closed end, in conformance with cul-de-sac size requirements. Temporary facilities will not require curb and gutter and the construction standards will be established by the City Engineer.
- F. Arrangement: The arrangement of arterial and collector streets should be considered in their relation to the reasonable circulation of traffic, to topographic 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.
- G. Provisions for Resubdivision of Large Lots and Parcels: When a tract is subdivided into larger than normal building lots or parcels which have the potential for further subdivision, such lots or parcels should be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- H. Dead Ends: Dead end streets will be prohibited, except as stated in Subsection E of this section.
- I. Private Streets: Private streets are prohibited, except in the case of a planned unit development and/or approval of the City Council. No public street improvement will be approved for any private street.
- J. Service Streets: Where a subdivision abuts or contains an existing or planned major arterial or a railroad right-of-way, a street approximately parallel to and on each side of such arterial and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets must be located at a distance from the major arterial or railroad right-of-way suitable for appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances should be determined with due regard for the requirements of approach grades and future grade separations.
- K. Design: The street design should not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- L. Cul-de-Sac Streets: Cul-de-sac streets permanently designed as such, must not exceed six hundred feet (600') in length, including a terminal turnaround which must be provided at the closed end, with a right-of-way radius of not less than sixty feet (60'). The length will be measured along the centerline from the nearest intersection to the center point of the cul-de-sac.

- A. Widths: Street right-of-way widths will be as determined in the Comprehensive Plan and on the official street map, and where applicable, must conform to County and State standards for trunk highways. In cases where no standard is provided, the following standards will apply:

	<b>Paved Curb to Curb Width (minimum) in Feet</b>	<b>Right-of-Way Width (minimum) in Feet</b>
<b>All uses:</b>		
Minor arterial	40	120
Collector	28	76 - 80
Local collector, parking on both sides of street	38	80
Local collector, parking on 1 side of street	32	80
Local collector, no on- street parking	26	80
Cul-de-sac turnaround	40 foot radius	60 foot radius
Marginal access/frontage road	26	50
<b>Residential uses:</b>		
Multiple-family local, parking both sides of street	38	70
Multiple-family local, parking 1 side of street	32	60
Single-family local, parking on both sides of street	36	66
Single-family local, parking on 1 side of street	30	60
Single-family local, no on-street parking	26	50

- B. Street Intersections: Insofar as practical, streets should intersect at right angles. In no case will the angle formed by the intersection of two (2) streets be less than seventy five degrees (75°) or more than one hundred five degrees (105°). Intersections having more than four (4) corners will be prohibited.
- C. Tangents: A tangent of at least one hundred feet (100') must be introduced between reverse curves on arterial and collector streets.
- D. Deflections: When connecting street lines deflect from each other at one point by more than ten degrees (10°), they should normally be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred feet (500') for arterials, three hundred feet (300') for collectors, and two hundred feet (200') for all other streets. The Planning Commission may allow greater or lesser sight distances.
- E. Street Intersection Jogs: Street intersection jogs with centerline offsets of less than one hundred fifty feet (150') are prohibited.
- F. Access to Principal Arterials: Full access to such principal arterials should normally be at intervals of not less than one-half (1/2) mile and through existing and established crossroads where possible. Conditional access may be allowed at intervals of not less than one-fourth (1/4) mile.

- G. Access to Minor Arterials: Full access to such minor arterials should normally be at intervals of not less than one-fourth (1/4) mile and through existing and established crossroads where possible. Conditional access may be allowed at intervals of not less than one-eighth (1/8) mile.
- H. Access to Collectors: Full access to such collectors should normally be at intervals of not less than one-eighth (1/8) mile and through existing and established crossroads where possible.
- I. Access to Local Collectors: Full access to such local collectors should normally be at intervals of not less than three hundred thirty feet (330').
- J. General Access: Access to principal arterials in the urban core. Access to such roadways may be granted at the discretion of the City Engineer at intervals of not less than three hundred feet (300') to six hundred sixty feet (660').
- K. Platting of Small Tracts: In the platting of small tracts of land fronting on a principal arterial, minor arterial, or collector where there is no convenient access to existing entrances and where access from such plat would be closer than one-fourth (1/4) mile from an existing access point, a temporary entrance permit may be granted. Provision will be made in such plats for the connection of roads to neighboring land. As the neighboring land is platted and developed and access becomes possible at a preferred location, such temporary entrance permits will become void at the discretion of the City.
- L. Half Streets: Half streets are prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder must be considered in this decision.
- M. Inadequate Street Width: Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width will be provided to meet the above standards.
- N. Additional Width: Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it.
- O. Corner Radii: Roadways of street intersections will be rounded by a radius of not less than twenty feet (20'). Corners at entrances to the turnaround portions of cul-de-sacs must be rounded by a radius of not less than twenty feet (20').
- P. Curb and Gutter: Concrete curb and gutter will be included as part of the required street surface improvement and will be designed for installation along both sides of all roadways. With the exception of multiple-family development, mountable curbing may be allowed with residential subdivisions. Barrier curb and gutter will be required in multiple-family, commercial, and industrial subdivisions.
- Q. Street Designation: Whenever practical, streets and avenues will be designated numerically. The following policies may be generally applied when designating awkward street and avenue configurations.
  - 1. Cul-de-sacs less than three hundred feet (300') will assume the designation of the street or avenue they abut.
  - 2. Loops must be designated avenues, streets, or a combination of both, depending on the depth of the configuration. Generally, the longer the length or depth, the greater the applicability for a separate street and avenue designation. For short loops, the word "circle" must be used to indicate the configuration. Upon approval of the City Council, streets may be named when such streets are not through streets.
  - 3. No street names will be used that duplicate or may be confused with the names of existing streets, unless a new street is a continuation of or in alignment with the existing or platted

street. In that event, it must bear the same name of the existing or platted street. Street names must conform to the City's street naming and property numbering system as applicable.

- R. Minimum Standards: Private streets, at a minimum, must be designed to provide twenty four feet (24') of access lanes and be constructed in accordance to design specifications by the City Engineer for required strength and durability.

**6.070 ALLEYS**

Alleys shall be constructed in accordance to the grade, width, and slope established by the City Engineer.

- A. Location Permitted: Alleys or service drives may be provided in commercial and industrial districts.
- B. Surfacing: All alleys must be hard surfaced with concrete or asphalt, with concrete valley gutter.

**6.080 SIDEWALKS**

- A. All new subdivisions within the City shall provide sidewalks on both sides of all arterial, collector, local and cul-de-sac streets. A developer, in connection with the platting of a new subdivision or replatting a subdivision, shall submit a sidewalk plan for approval by the Planning Commission and City Council, which shall be incorporated into a developer's agreement for that plat.

A sidewalk plan may be submitted by the developer which illustrates the placement of sidewalks on one side of a street or areas with no sidewalks. Factors that the Planning Commission and City Council shall consider include, but are not limited to:

- 1. The expected population density of the area;
  - 2. The location of pedestrian traffic generators within walking distance;
  - 3. The relationship of the subdivision to adjacent existing and projected land uses;
  - 4. Design of the subdivision for which sidewalks are required; and
  - 5. Existing and/or planned sidewalk connections adjacent to the subdivision.
- B. All sidewalks proposed for a subdivision must conform to the standards outlined in Section 8.030 of this Ordinance.

**6.090 BIKE PATHS**

- A. Bike paths will be required for those subdivisions within the City where such need has been identified within the Metropolitan Bicycle and Pedestrian Plan or within an applicable growth area plan.

**6.100 BOULEVARD TREES**

- A. All subdivisions within the City will be required to provide boulevard trees in conformance with the City's Tree Ordinance and Sidewalk Plan.

**6.110 WASTEWATER DISPOSAL & STORM DRAINAGE FOR AREAS WITHOUT CENTRAL OR PUBLIC SERVICES**

- A. On-Site Sewer System: In areas being platted without central or public sewers, the on-site sewer system, including the size and relative location of same, must be in conformance with County, Township, State, and federal requirements including any FEMA rules and regulations pertinent to site sewer and water. When such requirements conflict, the most restrictive will apply. Subdivisions and/or developments utilizing on-site wastewater systems are required to connect to public facilities

in accordance with this code, and pay any proportionate costs or applicable fees, when such facilities become available.

- B. Storm Water Drainage Facilities: Storm water drainage facilities, where required, must be designed to convey the flow of surface waters without damage to persons or property. The system must ensure drainage at all points along streets, and provide positive drainage away from buildings to accommodate frequent floods. Drainage plans must be consistent with local and regional drainage plans. The facilities must be designed to protect against surface erosion and siltation of surface water and to prevent the discharge of excess runoff onto adjacent properties.

## **6.120 DRAINAGE**

A complete and adequate drainage system design approved by the City Engineer will be required for all subdivisions and may include a storm sewer system or system of open ditches, culverts, pipes, catch basins and ponding areas, or a combination thereof.

## **6.130 EASEMENTS**

All easements must be dedicated by appropriate language on the final plat as required by law and provisions of this title.

- A. Utility Easements: Easements of a minimum of ten feet (10') wide centered on rear and other lot lines, must be provided for public and private utilities where necessary. When it is not practical to center easements, the fully required easement width may be required along one property line. Aid easements must have continuity of alignment from block to block. The easements, when approved, must not thereafter be changed without the approval of the City Council pursuant to the City charter, as may be amended.
- B. Drainage: Easements must be provided along each side of the centerline of any natural watercourse or drainage channel to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff. Where necessary, drainage easements corresponding with lot lines must be provided. Such easements for drainage purposes will not be less than twenty feet (20') in width or a width equal to the required side yard setback established by the respective zoning district in which the property is located, whichever is least.
- C. Sight: Sight easements beyond required zoning setback regulations may be required by the City and State Department of Transportation to protect major intersections on the state trunk highway system, on arterial and collector streets, and at the intersection of railroad crossings.

## **6.140 PROTECTED AREAS**

Where land proposed for subdivision is deemed environmentally sensitive by the City due to the existence of wetlands, drainageways, watercourses, and/or floodable areas, the design of said subdivision must clearly reflect all necessary measures of protection to ensure against adverse environmental impact. Based upon the necessity to control and maintain certain sensitive areas, the City will determine whether said protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots. In general, measures of protection must include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant will be required to demonstrate that the proposed design will not require construction on slopes over eighteen percent (18%), or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

## **6.150 PARK LAND DEDICATION REQUIREMENTS**

- A. General Requirements: Because new residential development increases the population of the community and demand on the parks system, as a prerequisite to residential plat approval and at the



sole determination by the City, applicants must dedicate land for parks, playgrounds, public open spaces, trails or bikeways, and/or must make a cash in lieu of dedication to the City.

1. City staff will confer with the Park Board, at the time the preliminary plat is under consideration, to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, or other public property. Such contribution requirement recommendation(s) will be sent to the Planning Commission for review and comment and subsequently to the City Council for their approval.
2. Park land and open space dedication shall be considered in relation to the City Comprehensive Plan, growth area plans, and parks master plan, should such planning documents exist at the time of plat, or is as determined to be in the best interest of the City.
3. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City, against the requirement of dedication for park and recreation purposes provided, the City finds it is in the public interest to do so.
4. The City may elect at its sole discretion to receive a combination of cash and land dedication.
5. During preliminary plat submission the applicant must provide the City with the number and type of residential units which will occupy the platted area. If during development the number or type of units are altered, the applicant will be required to make a cash dedication to account for the increased density of the project. However, if the number of units are decreased, the applicant will not be refunded that amount of cash or land dedicated during original plat approval.
6. Property being replatted with the same number of units will be exempt from all park land dedication requirements. If the number of units is increased or if land outside the previously recorded plat is added, then the park land dedication and/or park cash contributions will be based on the additional units added to the plat.

B. Park Land Dedication: In all new residential subdivisions, land must be dedicated for public recreation use or open space as established by the City Council. The dedicated land must be in addition to property dedicated for streets, alleys, easements, water detention, or other public ways unless otherwise provided herein. The amount of land dedicated will be based on the type of development according to the following:

<b>Type of Dwelling Unit</b>	<b>Minimum Area Dedicated per Dwelling Unit</b>
Single or Two-Family	930
Multiple-Family	670

1. Land to be dedicated must be reasonably suitable for its intended use as determined by the City and must be at a location convenient to the public to be served. Factors used in evaluating the adequacy of proposed park and recreation areas must include size, shape, topography, geology, hydrology, tree cover, access, and location.
2. When land is dedicated and deeded to the City for park purposes, it will be the responsibility of the City to maintain such dedicated property.
3. Land dedication to the City must be in the form of outlots.
4. The preliminary plan must show the location and dimensions of all areas to be dedicated in this manner.
5. When a proposed park, playground, recreational area, or other public ground has been indicated on the City's official map, within the Comprehensive Plan, growth area plan, or park master plan and is located in whole or in part within a proposed plat, it must be dedicated to the appropriate governmental unit, at the sole discretion of the City.

6. Land area conveyed or dedicated to the City will be used in calculating allowable density per the City Zoning Ordinance.
  7. Wetlands, ponding areas, and drainageways accepted by the City may not be considered in the park land and/or cash contribution to the City, where such areas have been determined to have a park function, as approved by the City Council.
- C. Payment in Lieu of Dedication: When, in the opinion of the City and at its sole discretion, it is impractical, inappropriate, and/or in the best interest of the City for a subdivision to not make a dedication of land for public use or make only a partial dedication of land, the applicant will be required to pay a cash fee based on the type and number of dwelling units. Cash payments in lieu of parkland dedication will be made in accordance with the following:

Type of Dwelling Unit	Minimum Amount of Cash Dedicated per Dwelling Unit
Single or Two-Family	\$650
Multiple-Family	\$450

1. Park cash contributions are to be calculated and paid in full at the time of final plat approval.
  2. Cash contributions for parks and trails will be deposited in either the City’s Park Fund or similar fund and will only be used for acquisition and development of future parks and trails or development of existing sites as determined by the City. Additionally, to the extent possible, said funds should be utilized in a timely manner within a benefiting area to the development.
- D. Purchase and Assessment of Park Land: The requirement for park land dedication or payment in lieu of dedication may be waived by the City when an agreement incorporated into a developer’s agreement has been executed between the City and developer. Such agreement must require the developer to petition for park improvements to be assessed against the property owned by the developer, which may include property outside the current plat. The agreement must set forth the land to be purchased by the City for park purposes and the purchase price for the land. In addition, the agreement must set forth the general type of improvements to be included in the petition for park improvements, as well as the maximum amount of money that may be assessed. Such maximum amount may be based on a sliding scale based on the density of the development. The City may enter into such an agreement only if the City Council determines that such an agreement results in a more favorable result to the City than the imposition of the standard park land dedication or payment in lieu of dedication requirements.

**6.160 DEDICATION OF STORM WATER RETENTION AREAS**

Upon approval by the Council, the applicant may be required to dedicate to the public up to six percent (6%) of the land proposed to be subdivided for storm water retention areas. The six percent (6%) dedication may be considered in addition to the park land dedication required by Section 6.150 of this chapter. Additional land may be required for storm water facilities as identified in an approved growth area plan, storm water master plan, or to satisfy the requirements of the storm water ordinance.

**6.170 OTHER REQUIREMENTS**

The design features set forth in this chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot sizes, streets, and overall design as deemed appropriate considering the property being subdivided based upon site considerations and the Dilworth Comprehensive Plan.

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## CHAPTER 7: REQUIRED IMPROVEMENTS

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### 7.010 MONUMENTS

- A. Location: Monuments must be placed at all block and lot corners, angle points, points of curves in streets, and at intermediate points as will be required by the City.
  - 1. Specification: Block corner monuments and permanent control markers must consist of a number five (5) deformed reinforcement rod, a minimum of thirty inches (30") long, and are to be placed in concrete six inches (6") in diameter. All other monuments must consist of a number five (5) deformed reinforcement rod, a minimum of thirty inches (30") long.
  - 2. Depth: All monuments are to be placed at least eighteen inches (18") below the graded surface. Monuments must be in place at the time of petition for local improvements.
- B. Easements: Stakes showing the locations of easements must be provided by the subdivider upon the request of the City. The stakes must be wood lathes and will be used only to ensure the proper location of utilities on the easements. The stakes must not be intended to be permanent survey monuments.

### 7.020 STREETS AND ALLEYS

- A. Grading: The full width of the right-of-way of each street and alley dedicated in the plat must be graded in accordance with the plan approved by the City Engineer. Grading should provide for easy installation of sidewalks at some future date.
- B. Paving: For subdivisions within the City, all streets and alleys must be improved with a concrete or bituminous surface. Streets to be paved must be surfaced for a seven (7) ton axle weight capacity using current Minnesota department of transportation design standards. Streets not to be paved must be improved in accordance with the County or City standards, whichever applies. No building permit will be issued for any lot or parcel in a subdivision prior to the installation of the first lift of bituminous surfacing or concrete surfacing on the streets thereof.
- C. Concrete Curb and Gutter: Concrete curb and gutter of a City approved design will be required for all paved streets.
- D. Boulevards: All boulevards must have four inches (4") of top soil (black dirt) placed on them and then be sodded or seeded.
- E. Street Signs: Street signs of standard design approved by the City must be installed at each street intersection.
- F. Traffic Control Signs: Traffic control signs must be installed at the request of the City.

### 7.030 SIDEWALKS

Sidewalks, where required, shall be constructed in accordance to the grade, width, and slope established by the City Engineer.

### 7.040 BIKE PATHS

Bike paths, where required, shall be constructed in accordance to the grade, width, and slope established by the City Engineer.

## **7.050 PUBLIC UTILITIES**

- A. Water Main: A minimum water main of six inch (6") PVC pipe or other approved pipe will be required. Mains over six inches (6") in size may be required, and the additional cost will be allocated pursuant to established City policies. In cul-de-sac streets of more than one hundred fifty feet (150'), provisions must be made to loop feed water mains as "dead end" water mains are not permitted, unless otherwise approved by the City Engineer.
- B. Fire Hydrants: Installation must be pursuant to plans approved by the City Engineer and City fire chief. A hydrant will be required in the turnaround area of all permanent cul-de-sac streets.
- C. Sanitary Sewer: Unless otherwise required, a sanitary sewer of eight inch (8") pipe must be installed as the minimum size, placed at grades approved by the City Engineer. Mains over eight inches (8") in size may be required, and the additional cost will be allocated pursuant to established City policies. Service wyes must be a minimum of four (4") in diameter.
- D. House Services: Each house service must be run from the main to the property line, where a cap or plug will be placed until the service is extended to the structure. A one inch (1") Type K copper water service, or approved equal; corporation stop, curb box and stop; and four inch (4") PVC schedule 40 pipe, or approved equal, sewer service must be the minimum requirements, and they may be placed in a common trench.
- E. As Built Drawings: Reproducible "as built" drawings showing all utilities and improvements must be furnished to the City by the applicant of all required improvements in developments where the applicant has been responsible for improvements. Such "as built" drawings must be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

## **7.060 SANITATION**

Water and sewer lines must be installed and connected to the public system to serve all lots within the proposed subdivision under the provisions of applicable statutes and ordinances. The City Council will require the installation of water and sewer mains, at the applicant's expense or under the provisions of applicable statutes and ordinances.

## **7.070 WASTEWATER DISPOSAL**

- A. Sanitary sewer mains and service connections must be installed to serve all lots in the subdivision and must be connected to the public system when within the City limits and/or utility service area.
- B. When a subdivision lies outside of the City limits all applicable State and County requirements must be satisfied.

## **7.080 DRAINAGE**

All surface and underground drainage systems must be installed by the applicant to adequately remove all natural drainage that accumulates on the developed property. All such systems must provide complete removal and a permanent solution for the removal of drainage water and will be subject to City review and approval.

## **7.090 UTILITIES LOCATION**

Except for utilities installed by the City, all utilities must be placed underground. All underground work must be completed prior to street surfacing. All utility lines for telephone and electrical service must be placed in rear line easements when carried on overhead poles.

- A. For municipal improvements which are publicly financed, construction plans for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared by the City. The City may contract with a professional engineer licensed in the state, with input from the owner/developer, to complete the design work. The owner/developer must acknowledge and approve, in writing, proposed project costs and any related special assessments as outlined in the preliminary engineering report prior to award of a construction bid. The City and/or City's contracted professional engineer will complete construction observation and contract administration. All project costs shall be eligible for public financing.
- B. For municipal improvements which are privately financed, construction plans for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared by a professional engineer licensed in the state contracted by the owner/developer. A preliminary engineering report and construction plans, together with the quantities of construction items and estimated cost, must be reviewed and approved by the City prior to award of a construction bid. The owner/developer must provide written approval of proposed project costs, as outlined in the preliminary engineering report. A plan review fee, as established by the City Council, shall be charged. The owner/developer shall contract with a professional engineer licensed in the state to complete construction observation and contract administration. Upon completion of construction, the owner/developer must provide to the City a written warranty certified by a professional engineer licensed in the state that all required improvements on the site meet or exceed all City standards, that such improvements have been inspected and tested in accordance with City standards, and that such improvements have been constructed in accordance with the approved plans. The owner/developer shall be responsible for the cost of all inspections and testing. Upon certification and delivery of as built plans, the City will accept and maintain all public improvements. All plans will become part of the written agreement.
- C. For municipal improvements which are publicly financed in part, construction plans for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared by a professional engineer licensed in the state contracted by the owner/developer. A preliminary engineering report and construction plans, together with the quantities of construction items and estimated cost, must be reviewed and approved by the City prior to award of a construction bid. The owner/developer must acknowledge and approve, in writing, proposed project costs and any related special assessments as outlined in the preliminary engineering report prior to award of a construction bid. A plan review fee, as established by the City Council, shall be charged. The City and/or City's contracted professional engineer will complete construction observation and contract administration. The municipal improvements, construction observation, and construction contract administration costs shall be eligible for public financing.

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## CHAPTER 8: SUBDIVING IN FLOOD AREAS

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### **8.010 WARNING & DISCLAIMER OF LIABILITY FOR FLOODING**

This Ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance will not create liability on the part of the City of Dilworth or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made thereunder.

No responsibility or liability will arise from the design or operation of subdivision drainage facilities dedicated to the City until the City has accepted such dedication.

### **8.020 LAND REQUIREMENTS**

As stated in Section 6.020 of this Ordinance, land use must be suited to the purpose for which it is to be subdivided. No plat will be approved if the site is not suitable for the purposes proposed by reason of potential flooding.

### **8.030 SUBDIVIDING FLOODING AND FLOOD CONTROL**

- A. No land will be subdivided if the Council finds the land unsuitable for subdividing due to flooding, inadequate drainage, water supply, or wastewater treatment facilities in accordance with this Ordinance and the Zoning Ordinance. Any building sites on lots within the flood fringe district must be constructed in accordance with this Ordinance and the Zoning Ordinance. All subdivisions must have water and sewer disposal facilities that comply with the provisions of this Ordinance, and any applicable building, health or safety codes, including the Minnesota State Building Code. Each of the above requirements must take into consideration the 100-year flood profile and other supporting technical data in the flood insurance study and the flood insurance rate map.
- B. In reviewing proposed subdivisions in the floodway or flood fringe overlay districts, all criteria of the Zoning Ordinance shall be considered.

### **8.040 BUILDING SITE IMPROVEMENTS FOR FLOOD PRONE AREAS**

- A. Should the City Council determine that only a part of a proposed plat can be safely developed, it will limit development to that part and require that the specifications for development be consistent with its determination.
- B. When someone other than the applicant intends to develop the plat, and the City Council determines that additional use controls are required to ensure safe development, it may require the applicant to impose appropriate deed restrictions on the land. Such deed restrictions must be inserted in every deed and noted on the face of the final recorded plat.

### **8.050 PLAT AND DATA REQUIREMENTS**

The applicant must prepare and submit a preliminary plat which includes the following flood related data:

- A. As stated in Section 5.010 of this Ordinance, a preliminary plat must include:
  - 1. 100-year flood elevations, the regulatory flood protection elevation, and boundaries of floodway and flood fringe areas, if known, taking into consideration the flood insurance and flood insurance rate map; and
  - 2. Proposed fill, levees, structural flood works, channel modifications, and other methods to address flood or erosion hazard areas in accordance with the Zoning Ordinance and by use of the 100-year flood profile and other supporting technical data in the flood insurance study.

This information must be submitted when requested by the City staff, consultants, advisory bodies, the Planning Commission, and/or City Council to address site specific questions.

## **8.060 DENIAL OF PLAT**

As stated in Section 5.040 of this Ordinance, the Planning Commission may recommend denial and the Council may deny a subdivision if it makes any of the following findings related to subdivision in flood prone areas:

- A. That the physical characteristics of this site, including, but not limited to, topography, percolation rate, soil conditions, 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, design, or use; and
- B. That the proposed subdivision, its site, or its design adversely affects the flood carrying capacity of the floodway, increases flood stages or velocities, or increases flood hazards within the floodway or flood fringe or within other areas of the City.