

SUBDIVISION ORDINANCE

FOR

THE CITY OF LONGVILLE

ADOPTED JULY, 28 2004



This ordinance was adapted from language prepared by Cass County Environmental Services and previously adopted by the City of Longville.

LONGVILLE SUBDIVISION ORDINANCE

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Prepared by the Community Growth Institute, adapted from the subdivision ordinances of Cass County, Minnesota.

ARTICLE I

GENERAL PROVISIONS

1.1 Short Title.

This Ordinance shall be known as the Subdivision and Platting Ordinance of the City of Longville, Minnesota.

1.2 Purpose.

Each new division of land becomes a permanent unit in the basic physical structure of the City, a unit to which, in the future, communities will, of necessity, need to adhere. In order that new divisions of land contribute toward an attractive, orderly, stable, and wholesome community environment; adequate public services; and safe streets all divisions of land shall fully comply with the regulations hereinafter set forth in this Ordinance. To avoid costly changes it is suggested the developer discuss all proposed land divisions with the Zoning Administrator.

1.3 Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

1.4 Scope.

1. This Ordinance shall apply and be binding upon all of the incorporated areas of the City of Longville, Minnesota.
2. This Ordinance shall apply to all divisions of land by metes and bounds description; divisions under the provisions of Minnesota Statutes, Chapter 505; 508, 508A, 515, 515A, and 515B.

3. Except in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this Ordinance.

1.5 Severability.

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected.

1.6 Abrogation and Greater Restrictions.

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

ARTICLE II

RULES AND DEFINITIONS

2.1 Rules.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The masculine gender includes the feminine gender and the neuter gender.
3. The singular includes the plural and the plural includes the singular.
4. The present tense includes the past and future tenses and the future includes the present.
5. The word "may" is permissive. The word "shall" is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
6. All horizontal and vertical measured distances shall be expressed to the nearest tenth of a foot and its metric equivalent, unless specifically stated otherwise.
7. The words "lot," "plot," "piece" and "parcel" of land are interchangeable.
8. The words "used for," shall include the phrases "arranged for," "designed for," "intended for," "improved for," "maintained for," and "occupied for."

2.2 Definitions.

The following words shall be defined as follows for the purpose of this Ordinance:

1. **Applicant.** The owner of land proposed to be subdivided or his designated representative.
2. **As Built Drawing.** A graphic representation of the actual constructed dimensions, areas, property configurations, improvements, and features of a development.
3. **Attorney.** The City Attorney for the City of Longville, Minnesota, or the authorized representative.
4. **Auditor.** The County Auditor of Cass County, Minnesota or the authorized representative.

5. **Block.** A single lot or series of contiguous lots enclosed within the perimeter of roads, property lines, or boundaries of the subdivision.
6. **Bluff.** A topographic feature having the following characteristics:
 - A. Part or all of the feature is located in a shoreland area;
 - B. The slope rises at least twenty five (25) feet above the ordinary high water level of the waterbody;
 - C. The grade of the slope from the toe of the bluff to a point twenty five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; and
 - D. The slope must drain toward the water body.
7. **Bluff Impact Zone.** A bluff and land located within thirty (20) feet inland from the top of the bluff.
8. **Boulevard.** The portion of the street right-of-way between the curb line and the property line.
9. **Boundary Survey.** A survey made to establish or to re-establish a boundary line on the ground in order to obtain data which is represented in a Certificate of Survey.
10. **Buildable Area.** The minimum required area remaining on a newly created parcel of land or platted lot after all public road rights-at-way, road easements, setbacks, bluffs, and wetlands are subtracted.
11. **Buildable Lot.** A lot having sufficient size to meet the minimum square footage, buildable area, width standards, and setbacks in the LAND USE ORDINANCE FOR THE CITY OF LONGVILLE, MINNESOTA.
12. **Building.** Any structure used or intended for storage, shelter or occupancy.
13. **Certificate of Survey.** A graphic representation of any parcel, tract, or lot of real property whose primary purpose is to show the results of a boundary survey which is certified and signed by a licensed surveyor.
14. **Comprehensive Plan:** The plan or plans for the orderly growth of the City of Longville as adopted and amended from time to time by the Planning Commission and the City Council. The group of maps, charts and texts that make up the comprehensive long range plan of the City.
15. **Condominium.** Defined in Minnesota Statutes, Chapter 515A.
16. **Design Standards.** The specifications applicable to land owners or subdividers for the preparation of sketch plans or plats, both preliminary and final, indicating among other things the optimum minimum or maximum dimensions of such items as right-of-ways, blocks, easements and lots.
17. **Development Objectives.** The goals determined from time to time in plan or policy form as part of the City's Comprehensive Planning Program that indicates how the City wishes to develop itself in line with orderly and logical growth.

18. **Development Plan.** A plan showing the proposed use of property and indicating such things as: location of existing and proposed buildings, sewage systems, utility and drainage easements, and bluffs.
19. **Drainage Course.** A watercourse or indenture for the drainage of water, whether manmade or provided by nature.
20. **Easement.** A grant by a property owner, of less than the fee interest in a portion of his property, for the use by another for the purpose of constructing and maintaining drives and utilities, including but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
21. **Engineer.** The City Engineer of the City of Longville, Minnesota, or the authorized representative.
22. **Final Plat.** A drawing or map of a subdivision showing the official plat to be approved by the City of Longville and filed in the office of the County Recorder according to Minnesota Statute, Chapter 505 and Amendments and the subdivision regulations of the City of Longville.
23. **Individual Sewage Treatment System (ISTS).** A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks and privies.
24. **Land Use Ordinance.** The guidelines established in the most recent version of the Land Use Ordinance for the City of Longville, Minnesota.
25. **Licensed Professional Land Surveyor.** Any person who practices land surveying and is licensed as a land surveyor by the State of Minnesota under Minnesota Statutes 326.
26. **Lot.** A parcel of land designated by plat, registered land survey, auditors plat, or other accepted means and recorded in the Office of the County Recorder.
27. **Lot Area.** Square footage or acreage included within the boundaries of a lot.
28. **Lot Frontage.** A minimum dimension of a lot lying along and abutting a road, lake, river, or other physical feature as required by the Land Use Ordinance for the City of Longville, Minnesota.
29. **Lot Width, Non-riparian.** The shortest distance between side lot lines as measured at the midpoint of the longest axis of said lot.
30. **Lot Width, Riparian.** The minimum dimension of a lot measured at the building setback line and also at the ordinary high water level.
31. **Metes and Bounds.** A description of a tract, lot, or parcel of land by course and distance, by reference to natural or artificial monuments, or any other method or means.

32. **Non-riparian.** A lot that does not abut a public or protected water of the State of Minnesota.
33. **Official Monument.** A certified public land survey corner, or corner *shown* in a *record* plat that is based on certified public land survey corners.
34. **Ordinary High Water Level (OHWL).** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changed from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.
35. **Outlot.** That portion of a plat that is either:
- A. A lot remnant or parcel of land left over in a plat that is intended as open space, park land, or other specified uses; or
 - B. land held in common by an association or a group of lots governed by covenants for use by members of the subdivision; or
 - C. land held in reserve for future development.
36. **Owner.** Includes the plural as well as the singular and where appropriate shall include a natural person, partnership, firm, association, syndicate, trust, public or quasi-public corporation, private corporation or a combination of them having a fee interest in real property.
37. **Parks and Playgrounds.** Public or private land and open spaces dedicated or reserved for recreation purposes.
38. **Percentage of grade.** The distance vertically in feet and tenths of foot divided by one hundred (100) feet of horizontal distance.
39. **Pedestrian Way.** A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may also be used for the installation of utilities.
40. **Planned Unit Development (P.U.D.).** A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common green space, density increases, and mix of structure types and land uses. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.
41. **Planned Unit Developments, Commercial.** Uses that provide transient, short-term lodging spaces, rooms, or parcels and their operation are essentially service orientated. These shall include but not be limited to hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service oriented activities.

42. **Planned Unit Development, Residential.** Residential Planned Unit Development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives and full fee ownership residences would be considered as Residential Planned Unit Developments. Includes time share condominiums not part of a resort.
43. **Preliminary Plat.** A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.
44. **Protective Covenants.** Restrictions contained in plats, deeds, or other documents on file in the Cass County Recorder's Office which deal with the manner in which land may be used.
45. **Public Hearing.** A public hearing is the forum at which all interested parties are heard for the record concerning a proposed action.
46. **Public Improvement.** Any drainage ditch, roadway, parkway, sidewalks, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility.
47. **Recording.** Refers to a lot or tract of land recorded through a numbered document in the Cass County Recorder's Office.
48. **Right-of-way.** An area of land that is surveyed and recorded for the provision of access.
49. **Riparian.** A lot that abuts a public or protected water of the State of Minnesota.
50. **Road.** A vehicular access.
51. **Road, Backage.** A road not adjacent to a high speed thoroughfare used to control access and segregate local traffic from higher speed through traffic.
52. **Road, Cul-de-sac.** A local street open at one end only with a special turning area at the closed end.
53. **Road, Driveway.** Private road serving no more than two residential lots.
54. **Road, Frontage.** A road adjacent to a higher speed thoroughfare used to control access and segregate local traffic from higher speed through traffic.
55. **Road, Half.** The dedication of one half of a required right-of-way width of a local road, granted by exception, whose remaining half will be subsequently added and improved when other adjacent or additional properties are developed in order to safely support added traffic.
56. **Road, Local.** Road providing access to more than nine (9) lots.
57. **Road, Private.** Any vehicular way which is not an existing federal, state, county, or township roadway; or is not shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law, or is not dedicated to public use.

58. **Road, Public.** Any vehicular way which is an existing federal, state, county, or township roadway; and is shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law as dedicated to public use; or is already for public use.
59. **Setback.** The minimum horizontal distance between a structure, individual sewage treatment system, or other facility and ordinary high water level; sewage treatment system, top of a bluff, road, highway, property line, or other facility.
60. **Significant Cultural or Historic Site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets this criterion if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
61. **Sketch Plan.** A preliminary site concept plan prepared for the administrative review, suggesting land use, property configurations and proposed improvements.
62. **Subdivider.** Any individual, firm, association, syndicate, co-partners, corporations, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.
63. **Subdivision.** A tract of land divided into lots for the purpose of sale or transfer of ownership, regardless of how it is to be used.
64. **Thoroughfare.** A stretch of road or water, or a pathway between two places, which is used by many people.
65. **Townhouse.** Developments typically consisting of multiple dwellings with common walls and ownership of common areas of a subdivision and fall under the platting portion of this subdivision ordinance.
66. **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have the following three attributes:
- A. have a predominance of hydric soils;
 - B. are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
 - C. under normal circumstances support a prevalence of such vegetation.

ARTICLE III

ADMINISTRATION

3.1 Pre-Application Meeting.

At the subdivider's option, a pre-application meeting shall be held including the subdivider, City Zoning Administrator, City Engineer, if requested by the Zoning Administrator, and the City Clerk. Discussion at this meeting shall be limited to procedure, Ordinance requirements and timing.

3.2 Sketch Plan Review Meeting with Planning Commission.

At the subdivider's option, a review of a sketch plan will be made by the Planning Commission prior to a public hearing. Discussion at this meeting shall be limited to procedure, Ordinance requirements and timing.

1. The subdivider shall submit 9 copies of the sketch plan, 14 days prior to the normal Planning Commission meeting, and request a position on the formal agenda.
2. The Planning Commission shall not take action on the proposal, but may make suggestions to facilitate the preparation of an approvable preliminary plat or plan.

3.3 Metes and Bounds Lot Split Approval.

Where appropriate, under the provisions of this Ordinance, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth (1/100th) of a foot and bearing computed to equivalent accuracy to the Planning Commission for approval. The review of the Planning Commission need not include a public hearing.

1. The subdivider shall submit 9 copies of his proposal to the Zoning Administrator 30 days prior to the normal Planning Commission meeting and pay the corresponding fee.
2. The Zoning Administrator shall review the proposed lot split for compliance with the Land Use Ordinance including a field review

at his or her discretion.

3. The Planning Commission makes a recommendation to the Council on approval of the lot split within a reasonable time based on the resulting lots complying with the Ordinance, the feasibility of the resulting lots for their intended purpose, and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements. No more than one (1) split into two (2) parcels shall be allowed in a three (3) year period of time. An additional parcel for right of way or commonly owned driveway access may also be allowed.
4. The City Council shall review the recommendation of the Planning Commission and make the final determination.
5. The resulting land descriptions shall be prepared and signed by a Registered Land Surveyor and shall comply with all provisions of this Ordinance.
6. Failure of the subdivider to act after an approval of a Metes and Bounds subdivision within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new public hearing.

3.4 Preliminary Plat or Preliminary Condominium Plat Approval.

The preliminary Plat or Preliminary Condominium plan approval constitutes formal approval of the concept and design of the subdivision. The Planning Commission review shall include a public hearing and may include a field review at their discretion. All reports of City staff, DNR and Road authorities shall be reviewed and included in the hearing record. Related variance requests, rezoning requests and conditional use requests shall be heard concurrently with a subdivision request.

1. The subdivider shall submit 9 copies of his proposed plat or condominium plat to the Zoning Administrator 30 days prior to the normal Planning Commission meeting, pay the required fees and request a public hearing.
2. The Zoning Administrator shall notify all property owner's within

3. The Planning Commission shall review the reports of the Attorney, Engineer and Zoning Administrator and make recommendation to the City Council within 45 days of submission. The Planning Commission shall consider the following:
 - A. Has the applicant compiled with all conditions and requirements upon which the preliminary approval is expressly conditioned wither through performance or execution of appropriate agreements assuring performance?
 - B. Does the Final Plat or Final Condominium Plat agree with the Preliminary Plat or Preliminary Condominium Plat?
 - C. Does the City Attorney agree that all parties with an interest in the property are shown as signers of the document?
 - D. Does the City Engineer agree that all improvements required are satisfactorily completed or are guaranteed by contract with adequate financial security?
 - E. Does an independent Professional Land Surveyor agree the final document meets the statutory requirements?
 - F. Has financial security been posted in the appropriate amount?
4. The City Council shall review the proposal at their next regular meeting and decide the approval within sixty (60) days of the submission of the Final Plat or Final Condominium Plat to the City.
5. Following approval by the City Council, the subdivider shall submit to the Zoning Administrator, two (2) double mounted cloth-backed prints on card stock (hard-shells) and two (2) Mylar prints of the Final Plat or Final Condominium Plat for signature by the Mayor and Clerk. The Zoning Administrator shall send one copy of any approved Final Plat within shorelands to the DNR postmarked within ten (10) days of approval.
6. Upon signature, the subdivider shall file all pertinent documents with the County Recorder. Failure to file a Final Plat or Plan, within two (2) years shall void the approval unless extended by the City Council.

350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing, including sufficient legal property description in the advertisement. The Zoning Administrator shall distribute one (1) copy to each Planning Commission member, if the proposal is adjacent to a County Highway, one (1) copy to the City Engineer, and if the plat is in shorelands, one (1) copy to the DNR postmarked at least ten (10) days before the public hearing for review and comment.

3. The Zoning Administrator shall review the proposed plat or plan as to content standards, necessary variances, from the Zoning Ordinance and this Ordinance, necessary rezoning or necessary conditional use permits, and advise the subdivider and the Planning Commission of his or her findings.
4. The subdivider shall make additional application for the necessary permits at least 30 days prior to the normal Planning Commission or Board of Adjustment meeting as applicable, if the subdivider desires to have a concurrent public hearing for variance, conditional use or rezoning.
5. The Planning Commission shall hold the Public Hearing and may continue the hearing as it deems necessary to allow all factual input it deems necessary to allow a decision. Lack of submission of comments by outside agencies shall be construed to mean the agency has no objections.
6. The Planning Commission shall recommend the approval of the Preliminary Plat or Preliminary Condominium Plat to the Council within one hundred twenty (120) days of submission, and the findings shall be sent to the subdivider. The Planning Commission shall consider the following in its decision:
 - A. Is the property properly zoned?
 - B. Does the proposal conform to the requirements of the Zoning Ordinance?
 - C. Does the proposal conform to the requirements of the Subdivision Ordinance?
 - D. Have the concerns of the affected agencies been addressed?

ARTICLE IV

SUBDIVISION STANDARDS

4.1 Sketch Plan.

A sketch plan shall contain the following data:

1. Existing Conditions
 - A. Approximate exterior boundary drawn to a scale of not less than 1" = 100' with the scale and northerly direction shown thereon.
 - B. Indication of floodplains, wetlands, slopes over 12%, bluffs, tree cover and ordinary high water mark.
 - C. Use of adjoining properties including street locations, structure locations and property lines.
 - D. Designation of land use and current or proposed zoning.
 - E. Significant historical sites.
2. Proposed Design
 - A. Proposed roads and walkways.
 - B. Proposed lots with building setbacks and bluff impact zones.
 - C. Proposed Green Space.
 - D. Proposed City sewer and water system connections or sewage treatment systems and well locations.
 - E. Declaration of the intended use of outlots, if any.

4.2 Preliminary Plat, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres.

A Preliminary Plat, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres shall contain the following data: (except as waived by the Planning Commission); along with other reasonable information required by the Commission needed to make a proper evaluation of the proposal:

1. Existing Conditions
 - A. Boundary lines with lengths and bearings drawn to exact scale of no less than 1" = 100' taken from a boundary survey

by a Registered Land Surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale.

- B. Topography consisting of 2-foot contour intervals, or at the discretion of the Planning Commission during the sketch plan review, 10-foot contour intervals taken from the USGS mapping with additional field determined spot elevations added to define drainageways, 100 year floodplains, wetlands, slopes and the Ordinary High Water Mark. Near shore aquatic conditions, including depths, types of bottom, sediments and aquatic vegetation.
- C. Tree cover limits, specimen tree locations.
- D. Soils as determined by hand borings on a random basis, to determine depth to ground water at lower elevations and suitability for sewage treatment systems. At least one boring for each unit unless waived by the Planning Commission.
- E. Location of adjoining streets, wetlands, structure and property lines within 200-feet of subject parcel, including acreage of any property owned by the developer not included in the preliminary plat.
- F. Significant historical sites.
- G. Date of boundary survey, topography and proposed plat.

2. Proposed Design

- A. Layout of proposed streets, walkways, blocks, lots, buildings if known, drawn to same scale as existing data.
- B. Dimensions scaled to nearest 5 feet of all lot lines, street widths, easement widths and waterfront lengths.
- C. Areas of proposed lots.
- D. Structure setback lines from streets, lot lines and Ordinary High Water Mark.
- E. Proposed Green Space with area shown.
- F. Proposed public dedication areas other than streets or walkways with the area shown.
- G. Proposed City sewer or water system connections and extensions existing and proposed with grades shown.
- H. Potential locations and estimated depth to water table for all proposed onsite sewage disposal systems, two per lot.
- I. Information regarding adequacy of domestic water supply,

- J. Proposed storm drainage system and erosion control, both during and after construction activities.
 - K. Proposed street standards and profiles.
 - L. Potential principal structure and accessory structure locations and elevations.
 - M. Extent of anticipated vegetation and topographic alterations.
 - N. Proposed covenants.
 - O. Name of Subdivision and proposed street names.
 - P. Stages of development proposed.
3. Evidence of Authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

4.3 **Final Plat or Final Condominium Plat.**

A Final Plat or Final Condominium Plat shall contain all elements required by this Ordinance and Minnesota Statutes 505, 515A or 515B respectively, and the State Plat Manual including but not limited to the following:

- 1. Conformance with approved Preliminary Plat or agreed upon portion thereof.
- 2. Design standards in conformance with the Ordinance and the Longville Zoning and Subdivision Ordinance.
- 3. Preparation by a Registered Land Surveyor. Signatures of Mayor, Clerk, County Auditor, County Treasurer and all parties with legal interest in the fee ownership of the land.
- 4. Dedication to the public of easements, right-of-ways, walkways and land to become public.
- 5. Drainage and utility easements over natural drainageways and significant wetlands.
- 6. Reservation of private streets in Outlots (Planned Unit Development).
- 7. Covenants: Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision.
 - A. The Association shall consist of all benefited lot owners including the subdivider.
 - B. The Association shall be responsible for all costs of maintenance and replacement.
 - C. The costs shall be uniformly divided by lots served.
 - D. The costs shall be lienable against the lots by the Association

- if payment is not forthcoming.
 - E. The status of the facility shall be clearly stated as subject to perpetual private maintenance.
 - F. Provisions shall be made for emergency access or emergency maintenance by the City with subsequent reimbursement by the Association.
8. Concurrent documents
- A. Title Opinion, less than 60 days old, acceptable to the City Attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.
 - B. Evidence of plat check by an independent Registered Land Surveyor,
 - C. Financial security acceptable to the City Attorney in the amount of 125% of the cost estimated by the Engineer for the uncompleted required improvements.
 - D. Development contract acceptable to the City Attorney, if required.

4.4 **Design Layout Standards - Minimum.**

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, City Attorney, City Engineer, Planning Commission and Council, except as waived by variance approved by the Board of Adjustment.

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

2. Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
3. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.
4. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without variance.
5. Lot layouts shall be compatible with the existing layout of adjoining properties.
6. Each lot shall have a minimum of 33 feet of frontage on a designated right of way. Commonly owned property or Green Space used for access in a Planned Unit Development shall have a minimum of 33 feet of frontage on a public right of way.
7. Proposed streets shall conform to the Comprehensive Plan of the City, County and State highway plans and existing boundary conditions.
 - A. Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of 10% for collector roads and 15% for minor roads.
 - B. Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.
 - C. When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access points are removed.
 - D. Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.
 - E. Streets will be designed as collectors or local streets in accordance with the Comprehensive Plan of the City.
 - F. The number of streets that terminate without a through connection shall be minimized and the street connected to a cul-de-sac (turnaround) and shall not exceed 1200 feet in length.
 - G. Access shall be given to all adjacent properties when required by the Planning Commission. All streets intended

to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the City.

H. Right of Way shall be dedicated to the public:

Cul-de-sac (turnaround).....	68' radius
Arterials	100' or as determined by Cass Co
Collectors	66'
Local Streets	66'

Additional Right of Way may be required to promote public safety and convenience if special conditions require such as intersections, sight lines on corners or excessive cut or fill sections.

I. Intersections

1. Street centerlines shall intersect at not less than 75 degrees.
2. Street jogs shall be no less than 200' from centerline to centerline.
3. Gradients at intersections and for 50' approaching on each side of an intersection shall not exceed 2%.

J. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when any other reasonable and feasible placement alternatives exist.

K. Street names shall conform to the pattern of the City, continue an existing name on the same alignment and generally promote a direction in the community.

8. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be following widths, minimum:

Watermain.....	20 feet
Sanitary Sewer	40 feet
Storm Sewer.....	20 feet
Electrical, telephone or cable television.....	10 feet
Drainageway.....	10 feet

9. Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

4.5 Survey Standards.

Survey Standards shall be those required by Minnesota Statutes 505 including the placement of all monuments including block corners, lot corners, curve points and water survey line points on lot lines. All US, State, County and other official bench marks, monuments or triangulation points in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

4.6 Street Improvement Standards.

All streets within the subdivision shall be constructed by the subdivider or otherwise provided for by agreement in a Development Contract between the subdivider and the City Council with all expenses borne by the subdivider. Local streets and collector streets shall be constructed according with the established minimum standards.

4.7 Sanitary Provision Standards.

No land shall be subdivided for building purposes unless two adequate sites are available on the newly created lot for a conforming onsite sewage treatment system, or the subdivider constructs a cluster system serving the lots to be owned and maintained by a property owner's association or the lot is provided with sanitary service by a municipal sewer system at the expense of the subdivider.

1. A municipal sewer system shall be extended to the lot at the subdivider's expense by agreement in a Development Contract between the subdivider and the City Council if the existing system is adjacent to the parcel being subdivided or reasonably close in the opinion of the Engineer and Planning Commission or if the density of the proposed development necessitates a municipal sewer connection. The sewer shall also be extended to the exterior boundary of the subdivision at locations designated by the Engineer.
2. Onsite systems or cluster onsite systems shall conform to Minnesota Pollution Control Agency Standards, Individual Sewage Treatment Systems Standard, Chapter 7080, and provide for two (2) treatment

sites for drainfields.

3. Municipal sewage facilities shall be designed by a Registered Engineer, approved by the City Engineer, approved by the Minnesota Pollution Control Agency, and installed according to "Standard Utilities Specifications", City Engineer's Association of Minnesota.

4.8 Water Supply Standards.

The subdivider shall be responsible to provide the proposed subdivision with adequate spacing between building sites, onsite sewage disposal sites, and potential well locations to allow the well installations in conformance with the City of Longville Zoning Ordinance requirements or the subdivider shall provide the lot with a cluster water supply system to be owned and operated by a property owner's association or the subdivider shall provide municipal water service to the lot.

1. A municipal water system shall be extended to the lot at the expense of the subdivider by agreement in the Development Contract between the subdivider and the Council if the existing municipal system is adjacent to the parcel being subdivided or reasonably close in the opinion of the engineer and Planning Commission or if the density of the proposed development necessitates a municipal water connection. The watermain shall also be extended to the exterior boundary at locations designated by the Engineer.
2. Onsite wells or cluster water systems shall conform to the Minnesota Department of Health Rules and Regulations MHD 210-230 "Water Well Construction Code", and the cluster system shall receive the approval of the City Engineer.
3. Municipal water facilities shall be designed by a Registered Engineer, approved by the City Engineer, approved by the Minnesota Department of Health and installed according to "Standard Utilities Specifications" City Engineer's Association of Minnesota.

4.9 Drainage/Grading Standards.

The subdivider shall consider the retention of natural stormwater/snowmelt drainage patterns in the design of his proposed subdivision. The subdivider shall be responsible to provide adequate drainage facilities for his development and upstream properties.

1. All natural drainageways draining properties upstream from the subject property shall be preserved, and no structures shall be less than one (1) foot above the water level in the drainageway created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year, 24-hour rain event shall be allowed except by Conditional Use Permit.
2. All streets, building sites and subsurface sanitary disposal sites shall be drained to a natural drainageway. The subdivider shall provide adequate grading or drainage structured so no inundation or ponding will occur from a storm of a 5-year, 24-hour rain event.
3. Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the subdivider. No storage area shall be considered part of the minimum lot area requirement. All storage areas shall be vegetated and designed to lower naturally after a storm.
4. All drainage structures provided shall be sufficient in size to pass a 5-year, 24-hour storm to a natural drainageway and to pass a 100-year, 24-hour storm along a drainageway.
5. All areas disturbed by grading, street construction or structure installation shall be covered with a 3 inch natural topsoil and seeded. Drainageways over 2% in gradient shall, at a minimum, be sodded.
6. All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainageway or public water.
7. Erosion control measures shall be provided where necessary in the opinion of the Engineer.

4.10 Dedication to the Public – Standards.

1. In accordance with the provisions of Section 462.358 of the Minnesota Statutes, or amendments thereto, the subdivider shall dedicate, to the public, lands for highway right of ways, street right of ways, utility

easements, wetland easements and similar lands required for perpetual and public improvements.

2. In addition, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the Planning Commission, with the concurrence of the City Council, shall require a payment to the City, in lieu of a land dedication for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands or open space, of a sum not to exceed ten percent (10%), of the fair market value of the land to be subdivided. The fair market value of the land to be subdivided shall be the value as determined by the Cass County Assessor at the time of Final Plat approval by the City Council. The amount of the payment shall be set by the Planning Commission, with the concurrence of the City Council, after taking into consideration the open space, park, recreational or common areas and facilities with the applicant proposes to reserve for public use within the subdivision. Funds received by the City, in lieu of land dedication, shall be placed in a special fund in accordance with Section 462.358, Subdivision 2b, of the Minnesota Statutes.
3. All dedications shall be included in the dedicated portion of the plat, included in the development contract, or received by the City in Warranty Deed prior to the approval of the final plat, without further restrictions or reservations.

ARTICLE V

PLANNED UNIT DEVELOPMENT

5.1 Purpose.

The purpose of these regulations is to establish procedures and criteria to evaluate planned developments. It is intended to provide a relationship between buildings and between building and site that cannot be accomplished by the one building-one lot application of the land use provisions of this Ordinance. In order to encourage well designed building groups, this article provides for the development of more than one structure upon a single lot or tract as well as the integral development of one or more lots as a single tract. Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Planned unit developments shall be processed as conditional uses.

5.2 Application for a PUD.

The following documents must be submitted with a **PUD** application:

1. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
2. A property owners association agreement for residential PUD's with mandatory membership.
3. Deed restrictions, covenants, permanent easements or other instruments that:
 - A. properly address what vegetative and topographic alterations are allowed, what construction of additional buildings is allowed, how beaching of watercraft will be regulated, and if construction of commercial buildings is allowed;
 - B. ensure the long-term preservation and maintenance of open space;
 - C. protect wetlands from any future draining or filling;

- D. provide for third-party management of individual sewage treatment systems.
4. A master plan/drawing describing the project and the floor plan for all structures.
5. Those additional documents as requested by the City and the Planning Commission that are necessary to explain **PUD** design and function.

5.3 Criteria for Evaluation.

Before recommending the approval of the Preliminary Development Plan and Conditional Use Permit for a Planned Unit Development, the Planning Commission shall find that the following criteria are satisfied:

1. The Planned Unit Development shall generally conform to the regulations of the land use district in which it is proposed to be located, provided that any exceptions to the standard requirements of the land use and subdivision regulations are justified by the design of the development.
2. The planned development or unit thereof is of sufficient size, composition and arrangement that its construction, marketing and operation are feasible as a complete unit without dependence upon any subsequent unit.
3. The planned development will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the planned development.
4. The minimum area of land to be included in the Planned Unit Development shall be as designated in the land use district in which it is proposed to be located.
5. All streets within the Planned Unit Development, whether public or private, shall be constructed to meet the specifications in this City of Longville Subdivision and Platting Ordinance.

5.4 Suitability.

The City must consider the following criteria in the examination of a parcel for suitability as a P.U.D.:

1. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
2. Physical and aesthetic impacts of increased density;
3. Suitability of lands for the planned unit development approach;
4. Level of current development in the area; and
5. Amounts and types of ownership of undeveloped lands.
6. Size of the parcel and amount, if any, of shoreline.

5.5 Design Criteria for all new PUD'S

1. **Minimum Size.** Planned unit developments shall contain a minimum of three units or sites.
2. **Buffer.** A 50-foot vegetative buffer will be maintained or established along the boundary of the PUD. There shall be no units or impervious coverage within this buffer with the exception of access roads or utilities. The buffer will serve to screen the adjacent parcels and the lake, where applicable, from the units within the PUD. The screening will contain both low growing (e.g. brush) and high growing (e.g. trees) vegetation. Adjacent parcels and the lake, where applicable, shall be a minimum of 50% screened, as measured by the Zoning Administrator, from the adjacent parcel or the lake during leaf-on conditions. An earthen berm may be used where, in the opinion of the Planning Commission, the existing vegetation cannot be enhanced to meet the 50% screening criteria. Use of a berm shall not preclude the maintaining of a 50-foot buffer or the installation of screening as part of the berm.
3. **Open Space.** At least 25% of the total project area must be preserved in open space.
 - A. Open space shall be left in its natural state and shall be contiguous.
 - B. Dwelling units or sites, road right-of-way, land covered by road surfaces, parking areas, stormwater basins, collection and treatment areas, structures and landscaped areas which are routinely maintained are developed areas and shall not be included in the computation of minimum open space.
 - C. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - D. The 50-foot buffer shall be included as open space, minus areas used as accesses.
 - E. Where a wildlife corridor is present, open space shall be designed to include the corridor.
 - F. The appearance of open space areas shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.
 - G. At least 50% of the shore impact zone must be maintained as open space.

4. Common Space. At least 50% of the project must be included as common space.
 - A. Open space shall be counted as common space.
 - B. Common space may include any outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
 - C. Common space may include areas used for stormwater retention or management and areas used for sanitary sewer collection or disposal. Where common space includes sanitary sewage treatment systems, the use of the space shall be restricted where necessary to avoid adverse impacts on the systems.
 - D. All of the shore impact zones must be included as common space.
 - E. Common space must not include commercial facilities or uses, but may contain water-oriented facilities.
 - F. The appearance and use of common space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.

5. Stormwater Management.
 - A. All PUD's must develop and maintain a stormwater management plan indefinitely.
 - B. Capacities of existing drainage ways shall be maintained.
 - C. Unless specifically allowed by the City, inlets and outlets to adjacent parcels shall be maintained. Flows from outlets shall be maintained unless allowed by the City.
 - D. All PUD's shall contain the 10-year, 24-hour storm event within the development.
 - E. Runoff from the parcel shall not be concentrated unless part of a City stormwater management plan.

6. Sanitary sewer and water supply standards.
 - A. Residential planned unit developments must be connected to publicly owned water supply and sewer systems, when available.
 - B. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
 - C. On-site sewage treatment systems must be located on the most

5.6 Design Criteria for existing PUD's

1. All existing PUD's shall meet the design criteria for a new PUD, where possible.
2. Additional development within an existing PUD shall not bring the PUD further out of compliance with the basic design criteria.
3. Allowances for density increases shall only be made in existing PUD's where new development within the PUD meets the design criteria and specific density increase criteria and the new development serves to bring the entire PUD closer to conforming to the design criteria.\

5.7 Computing PUD Buildable Area.

Buildable area in a PUD is calculated using the following procedure:

1. The project parcel is divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

<u>Shoreland Tier Dimensions</u>		
	Unsewered (feet)	Sewered (feet)
Gen develop lakes - first tier	200	200
Gen develop lakes - second and additional tiers,	267	267
Recreational Development	267	267
Natural Environment lakes	400	320

2. The area within each tier is next calculated, excluding all wetlands, bluffs, or land below the ordinary high water level of public waters. This area is then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable base number of dwelling units or sites.

5.8 Residential Planned Unit Developments.

1. Base Density. To compute the base density, the buildable area within each tier is divided by the single residential lot size standard for the zoning district.

This shall yield a base density of dwelling units or sites for each tier.

2. Transferability. Within the first five tiers, allowable base densities may be transferred from any tier to any other tier further from the shoreland water body or watercourse, but must not be transferred to any other tier closer.
3. Density increases. The City may allow some dwelling unit or site density increases for residential planned unit developments.
 - A. Where density increases are allowed, they shall be allowed only in conformance with the following table:

<u>Criteria</u>	<u>Density Increase, Tier 1</u>	<u>Density Increase, Tier 2</u>	<u>Density Increase, Tier 3 and Beyond</u>
Connection to City Sewer	20%	40%	50%
Setback from lake increased 50%	5%	10%	10%
Setback from lake increased 100%	10%	20% (not cumulative)	20% (not cumulative)
External vegetative buffer increased to an average of 75 feet	5%	20%	25%
External vegetative buffer increased to an average of 100 feet	10%	40% (not cumulative)	50% (not cumulative)
Screening increased to 75% effective	5%	20%	25%
Screening increased to 100% effective	10%	40% (not cumulative)	50% (not cumulative)
Open Space increased to 40% of total area	5%	20%	25%
Maintain 100-year, 24-hour storm event on site	10%	20%	25%
Restore and maintain shoreland in its original/natural state	10%	20%	20%

Increases are from the base density. Stepped increases do not result in cumulative density increases (e.g. A 75-foot buffer allows a 10% increase in Tier 1. A 100-foot buffer would allow an additional 10% increase in Tier 1 for a total of 20% as shown in the table).

- B. Increases in unit or site densities shall not exceed the following

maximums:

<u>Tier</u>	<u>Maximum Density Increase</u>
First	50%
Second	100%
Third and each subsequent tier	200%

4. Administration and any maintenance requirements. Prior to final approval of any residential planned unit developments, the City will require adequate provisions developed for preservation and maintenance in perpetuity of open spaced and for the continued existence and functioning of the development as a community.
 - A. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 - B. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - C. Assessments must be adjustable to accommodate changing conditions.
 - D. The association must be responsible for insurance, taxes and maintenance of all commonly owned property and facilities.
 - E. Changes to owner's association must be approved by the City.

5.9 Commercial Planned Unit Developments.

1. Base density. Base density is determined through the following steps:
 - A. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
 - B. Select the appropriate floor area ratio from the following table:

closer.

3. Density increases. The City may allow some dwelling unit or site density increases for residential planned unit developments.
 - A. Where density increases are allowed, they shall be allowed only in conformance with the following table:

<u>Criteria</u>	<u>Density Increase, Tier 1</u>	<u>Density Increase, Tier 2</u>	<u>Density Increase, Tier 3 and Beyond</u>
Connection to City Sewer	20%	40%	50%
Setback from lake increased 50%	5%	10%	10%
Setback from lake increased 100%	10%	20% (not cumulative)	20% (not cumulative)
External vegetative buffer increased to an average of 75 feet	5%	20%	25%
External vegetative buffer increased to an average of 100 feet	10%	40% (not cumulative)	50% (not cumulative)
Screening increased to 75% effective	5%	20%	25%
Screening increased to 100% effective	10%	40% (not cumulative)	50% (not cumulative)
Open Space increased to 40% of total area	5%	20%	25%
Maintain 100-year, 24-hour storm event on site	10%	20%	25%
Restore and maintain shoreland in its original/natural state	10%	20%	20%

Increases are from the base density. Stepped increases do not result in cumulative density increases (e.g. A 75-foot buffer allows a 10% increase in Tier 1. A 100-foot buffer would allow an additional 10% increase in Tier 1 for a total of 20% as shown in the table).

- B. Increases in unit or site densities shall not exceed the following maximums:

<u>Tier</u>	<u>Maximum Density Increase</u>
First	50%
Second	100%

ARTICLE VI

IMPROVEMENTS

- 6.1 Prior to the City Council approving a Final Plat or a metes and bounds split, the subdivider shall provide for the construction of the required improvements at his expense and shall have the work completed or shall enter a Development Contract and give bond or other financial assurance satisfactory to the Council in an amount equal to 125% of the estimated cost of the uncompleted improvements. The bond shall be released by the City Council upon the recommendation of the City Engineer indicating the improvements are satisfactorily complete.

The City may, at its discretion, allow construction and approval of the utilities and streets after preliminary approval, but before final approval in lieu of the bond.

- 6.2 The required improvements shall conform to the standards of Article IV of this Ordinance and shall include City street signs and lighting in conformance with City standards.
- 6.3 The subdivider may request the City to construct municipal sewage facilities, municipal water facilities or bituminous street surfacing with all costs to be assessed against the benefited properties. If the City Council agrees, the subdivider shall enter a Development Contract and give a bond or other financial assurance satisfactory to the Council in an amount equal to 50% of the estimated costs. The assessments shall be paid in full upon sale of the property. The bond shall be released with the last 25% of the assessment payments.
- 6.4 All costs of the City Engineer, City Attorney, Bond Council, financial experts and other professional costs borne by the City in writing and/or executing Development Contracts, estimates of cost, inspectors, financial arrangements, assessments and pursuing legal remedies in event of default by the subdivider, shall be borne by the subdivider.