

SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

§ 151.205 PURPOSE AND INTERPRETATION.

(A) Each new subdivision becomes a permanent unit in the basic physical structure of the community, a unit with which the future community will, of necessity, be forced to comply.

(B) Haphazard and piecemeal planning of subdivisions, without correlation to a plan, will result in a disconnected patchwork of plats with poor traffic circulation and expensive provision of utilities.

(C) In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of the city shall comply with the regulations set forth in this subchapter.

(D) In their interpretation and application the provisions of this subchapter are minimum requirements adopted for the protection of the public health, safety, and general welfare.
(Prior Code, § 66-211)

§ 151.206 LIMITS OF REGULATIONS AND SCOPE.

(A) *General.* The rules and regulations governing plats and subdivisions of land contained in this subchapter apply within the city and orderly annexation area in Henrietta Township.

(B) *Prior subdivisions.* Except in the case of a resubdivision, this subchapter shall not apply to any lot or lots forming a part of subdivision plats recorded in the office of the County Recorder of Hubbard County prior to the effective date of this chapter, nor is it intended by this subchapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those in conflict with these regulations, or with private restrictions placed upon property by deed, covenant or other private agreements which are equal to or more restrictive than covenants running with the land to which the city is a party.
(Prior Code, § 66-212)

§ 151.207 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public or private 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.

BOULEVARD. The portion of the street right-of-way between the curb line and the property line.

BUTT LOT. A lot at the end of a block and located between 2 corner lots.

BLOCK. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a stream or water body.

COMPREHENSIVE DEVELOPMENT PLAN. The comprehensive plan prepared by the Planning Commission indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the city and includes any unit or part of the plan separately adopted and any amendments to the plan or parts thereof.

EASEMENT. A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, watermains, electric lines, telephone lines, storm sewers, or storm drainage ways and gas lines.

FINAL PLAT. The final map, drawing or chart on which the subdividers plan of subdivision is presented for approval and which, if approved, will be submitted to the county register of deeds. The plat must conform to the requirements of law.

LOT. A parcel or portion of land designated by metes and bounds, a registered land survey, auditor's plats or other means and separated from other parcels or portions by the description for the purpose of sale, lease, or separate use thereof.

LOT IMPROVEMENT. Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of the betterment. Certain **LOT IMPROVEMENTS** shall be properly bonded as provided in these regulations.

MINIMUM SUBDIVISION DESIGN STANDARDS. The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

MINOR SUBDIVISION. Any subdivision containing not more than 3 lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan or these regulations.

OFFICIAL MONUMENT. A marker established by the original Federal Land Survey for

use as a reference point in surveying and subdividing land.

OUTLOT. A remnant from a subdivision that is not a developable piece of property unless replatted in accordance with city ordinances.

OWNER. Any person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain preceding to subdivide the same under these regulations.

PEDESTRIAN WAY. The right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.

PERCENTAGE OF GRADE ON STREET CENTERLINE. The distance vertically from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

PLANNING COMMISSION. The Planning Commission of the City of Park Rapids.

PRELIMINARY PLAT. The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their consideration as compliance with the comprehensive development plan and these regulations along with required supporting data.

PROTECTIVE COVENANTS. Contracts entered into between private parties constituting a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the city may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

SETBACK LINE, BUILDING. A line within a lot which establishes the minimum distance between the property lines and the nearest portion of an enclosed structure.

STREETS AND ALLEYS. Public ways and have the following meanings:

(1) **ALLEY.** A minor way which is used primarily for vehicular access to the back or the side of properties abutting on a street.

(2) **COLLECTOR STREET.** A street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within a development.

(3) **CUL-DE-SAC.** A minor street with only 1 outlet and having a turnaround.

(4) **HALF STREET.** A public right-of-way having only half the required width as specified in § 151.213.

(5) **MARGINAL ACCESS STREET.** A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

(6) **MINOR STREET.** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

(7) **PRIVATE STREET.** A way for vehicular traffic which is not owned and maintained by the city.

(8) **STREET.** A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, and place or however otherwise designated.

(9) **STREET WIDTH.** The shortest distance between the lines delineating the right-of-way of a street.

(10) **THOROUGHFARE.** A street which heavy volumes of fast moving vehicles are provided for, having considerable continuity, and used primarily as traffic arteries for intercommunication between large areas.

SUBDIVIDER. Any person commencing proceedings under the terms of this section to effect a subdivision of land hereunder for himself, herself, or for another.

SUBDIVISION.

(1) The division of a parcel of land into 2 or more lots or parcels, any of which resultant parcel is less than 5 acres in area or 300 feet in width, for the purpose of transfer of ownership or building or development or, if a new street is involved, any division of a parcel of land.

(2) The term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

WATER RETENTION DEVICE OR AREA. Any constructed control device, ponding area or stormwater pond, or a natural depression or wetland installed or planned for under a state approved surface water management plan which provides for the temporary storage of stormwater runoff, with the purpose of replicating, pre-development hydrologic conditions and retaining sediment and/or nutrients.

(Prior Code, § 66-213) (Am. Ord. 417, passed 11-29-2004; Am. Ord. 491, passed 5-22-2007)

§ 151.208 GENERAL PROVISIONS.

Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Recorder's office or have any validity, and the building official shall not issue building permits for any structure on a lot in any proposed subdivision. The Council shall not permit any public improvements to be installed unless the preliminary plat is approved and shall not permit any connection of services until approval of the final plat and recording of same. (Prior Code, § 66-214) Penalty, see § 151.999

§ 151.209 PROCEDURES.

(A) *Plat approval.* The procedure for plat approval is set forth in this section.

(B) *Sketch plan.*

(1) Subdivider's are invited to prepare, for review with the Planning Commission, City Engineer and others as the Planning Commission may direct, a proposed subdivision sketch plan which, in order to be most useful, shall contain the following information:

(a) Site location map showing streets, school locations, commercial centers and other significant developments;

(b) Tract boundaries;

(c) North arrow and scale;

(d) Streets within and adjacent to tract;

(e) Topography and physical features;

(f) Proposed general street design; and

(g) Proposed lot size and orientation.

(2) The sketch plan will be considered as the basis for discussion between the subdivider and the Planning Commission. Submission of the sketch plan shall not constitute formal filing of a preliminary plan. If desired by either the Planning Commission or the subdivider, the sketch plan may be submitted to the Planning Commission for their unofficial review and comments, the intent of which shall be to point out any deficiencies in the plan and to recommend any modifications necessary to bring the plan into conformance with this section.

(C) *Preliminary plats.*

(1) Before dividing any tract of land into 2 or more lots or parcels, an owner or

subdivider shall, unless a variance is authorized, file with the City Planner:

(a) Ten copies of the preliminary plat and one 11 inches by 17 inches copy.

(b) A subdivision fee per the city fee schedule, as adopted and amended from time to time by the City Council. This fee shall be used for public expenses in connection with the approval or disapproval of the plan and final plat that may thereafter be submitted. Each final plat submitted except the first as a part of the approved preliminary plan, may require an additional fee of \$50.

(c) Minor subdivisions shall be charged a fee per the city fee schedule.

(d) If the subdivider requests or the Council requires that any existing special assessments which have been levied against the premises described in the subdivision be divided and allocated to the respective lots in the subdivision plat, the City Clerk shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the County Auditor, and making the division and allocation, and upon approval by the Council of the estimated cost, the same shall be paid to the City Clerk in addition to the fees mentioned in division (b) above to cover the cost of preparing and filing of the revised assessment.

(e) The subdivider shall fill out a subdivision application blank available at the office of the City Planner.

(2) The Planning Commission shall consider the preliminary plat officially filed after the City Planner has examined it and advised the Planning Commission that it is in proper form.

(3) On the same date that the City Planner places the preliminary plat on file, the City Planner shall:

(a) Set a date for a public hearing on the preliminary plat, subject to division (4) below. The City Planner shall cause notice of the hearing to be sent by mail to all property owners of record within 350 feet of the proposed subdivision boundaries at least 10 days prior to the hearing. In addition, notice of the hearing shall be published in the official newspaper at least 10 days prior to the hearing. The Planning Commission shall hold the public hearing at 1 of its regular meeting dates.

(b) Refer 1 copy of the preliminary plat to the Street and Water Department for examination and report and 1 copy to the City Engineer for his or her examination and report, 1 copy to the Hubbard County Wetlands Coordinator for his or her examination and report, and 1 copy to the school district. Copies of the report of the City Engineer shall be given to the Planning Commission prior to the public hearing.

(4) The Planning Commission shall make its report to the Council within 60 days except in cases where the applicant requests additional time to adjust or count the plats.

(5) The Council shall act on the preliminary plat within 60 days of the date on which it was received from the Planning Commission.

(6) If the preliminary plat is not approved by the Council the reasons for the action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved, the approval shall not constitute final acceptance of the subdivision.

(7) Should the subdivider desire to amend the preliminary plat as approved, he or she may resubmit the amended plan which shall follow the same procedure except for the hearing and fee, unless the amendment is, in the opinion of the Planning Commission, of the scope as to constitute a new plat, in which case it shall be refiled.

(D) *Final plat.*

(1) The owner or subdivider shall file 10 copies of the final plat with the Planning Commission not later than 6 months after the date of approval of the preliminary plat by the Council; otherwise, the preliminary plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Council. One 11 inches by 17 inches copy of the final plat shall also be submitted.

(2) The final plat will have incorporated all changes or modifications approved in the preliminary plat; in all other respects, it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time, provided that the portion conforms with all the requirements of this section.

(3) The Planning Commission shall consider the final plat officially filed after the City Planner has examined it and advised the Planning Commission that it is in proper form.

(4) On the same date that the final plat is placed on file, the City Planner shall refer 2 copies of the final plat to the Planning Commission, 3 copies to the City Engineer and 1 copy each to the telephone, gas, and electric companies. The procedure and timing for processing the final plat shall be the same as for the preliminary plat except that no public hearing is required in processing the final plat.

(5) If the final plat is approved by the Council, the subdivider shall record it with the County Recorder within 6 months after the date of approval; and if not so filed, the approval of the final plat shall be void and of no effect.

(6) The subdivider shall furnish the following specified types of copies of the final plat to the persons listed below:

Hubbard County Recorder	1 copy on mylar
Hubbard County Auditor	1 copy on paper

Hubbard County Engineer	1 copy on paper
City Engineer	1 copy on transparent linen or mylar
	1 copy on film positive at 1 inch equals 200 feet
	A digital copy (when available) with information from the preliminary and final plat included

(E) *Land division.* In any case where the division of a parcel of land into 2 or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of a subdivision, a description of the land division shall be filed with the Planning Commission which shall submit copies of the division to the Council and City Engineer. No building permit may be issued until the description has been received by the City Planner.

(F) *Absence of utilities.* In areas which cannot reasonably be served by public water and sanitary sewer, and the service cannot be expected within a 5 year period, no residential lot shall be developed for residential purposes unless it contains at least 1 acre of land area regardless of the lot area requirements of prevailing zoning regulations. Where public water and sanitary sewer is not available and individual wells and disposal systems are to be utilized, the subdivider may be required to submit the results of tests to ascertain subsurface soil, rock, and ground water conditions.

(Prior Code, § 66-215) (Am. Ord. 491, passed 5-22-2007) Penalty, see § 151.999

§ 151.210 NECESSARY DATA FOR PRELIMINARY PLAT.

(A) *Size.*

- (1) The preliminary plat shall be clearly and legibly drawn.
- (2) The size of the map shall not be less than 12 inches by 18 inches.
- (3) All subdivision maps shall be drawn at a scale not smaller than a scale of 1 inch equals 100 feet, unless otherwise required by the Council.

(B) *Information required.* The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:

(1) *Identification and description.*

(a) Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the County of Hubbard;

(b) Legal description of property to be platted and a survey prepared by a surveyor registered in the State of Minnesota;

(c) Names and addresses of the owner, subdivider, surveyor, and designer of the plan;

(d) North arrow and scale; and

(e) Date of preparation.

(2) *Existing conditions.*

(a) Boundary line of proposed subdivision clearly indicated;

(b) Existing zoning classification;

(c) Total approximate acreage;

(d) Location, widths, and names of all existing or previously platted streets or other public ways, showing the type, width and condition of improvements, if any, and utility right-of-ways, parks and other public open space, permanent buildings and structures, easements and section and corporate lines within the proposed subdivision and to a distance of 100 feet beyond the proposed subdivision;

(e) Location and size of existing sewers, water mains, culverts or other underground facilities within the proposed subdivision and to a distance of 100 feet beyond the proposed subdivision. This data as grades, invert elevations and locations of catch basin, manholes, and hydrants shall also be shown;

(f) Boundary lines of adjoining unsubdivided or subdivided land within 100 feet of the proposed subdivision, the land to be identified by name and ownership;

(g) Topographic data, including an area 300 feet beyond the boundaries of the proposed subdivision, with a vertical contour interval of not more than 2 feet. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines and other significant features shall also be shown. United States Geographic Survey data shall be used for all topographic mapping. In the case of a subdivision where no new street is involved, the required topographic map may be waived if it is deemed unnecessary by the City Engineer and the Planning Commission;

(h) In shoreland areas, a line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or river; and

(i) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system.

(3) *Subdivision design features.*

(a) Layout of proposed streets, showing right-of-way widths and proposed names of streets;

(b) Location and widths of proposed pedestrian ways and utility easements;

(c) Typical cross-sections of proposed improvements upon streets, together with an indication as to the method of disposing of the proposed stormwater runoff;

(d) Approximate centerline gradients of proposed streets;

(e) Locations, size, and approximate gradient of proposed sewer lines, water mains, and service connections;

(f) Layout, numbers, and preliminary dimensions of lots and blocks;

(g) Minimum front and side street building setback lines, indicating dimensions; and

(h) Areas, other than streets, pedestrian ways, and utility easements intended to be dedicated or preserved for public use, including the size of the area or areas in acres.

(4) *Other information.*

(a) Statement of the proposed use of lots, stating the type of residential buildings, with the number of proposed dwelling units; the type of business or industry so as to reveal the effect of the development on traffic, fire hazards, or congestion of population;

(b) Proposed restrictive covenants and a copy of any restrictive covenants pertaining to adjacent properties;

(c) Source of water supply;

(d) Provisions for sewage disposal, drainage, and flood control;

(e) If any zoning changes are contemplated, indicate the proposed zoning plan for the area, including dimensions;

(f) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a preliminary plan for the remainder of the property so as to show the possible relationships between the proposed subdivision and any future subdivisions. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions; and

(g) Potential resubdivision and use of excessively deep (over 200 feet) lots must be indicated in a satisfactory manner.
(Prior Code, § 66-216) Penalty, see § 151.999

§ 151.211 QUALIFICATION GOVERNING APPROVAL OF PRELIMINARY PLAN.

(A) *Conditional report.*

(1) If a proposed subdivision fails to meet the requirements set forth in this section, the Planning Commission may submit a conditional report to the Council, listing those items in which the proposed subdivision is deficient.

(2) The Council may then, at its discretion, require that the subdivider make any and all necessary changes in the preliminary plan in order to bring it into compliance with the requirements of this section.

(B) *Tentative approval.* The approval of a preliminary plan by the Planning Commission and Council is tentative only, involving merely the general acceptability of the layout as submitted, and is not to be construed as approval of the final subdivision plan.

(C) *Other approvals.* Subsequent approval of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, sidewalks, gas and electric service, grading, gradients and roadway widths and the surfacing of streets will be required by the Council and by other public officials having jurisdiction in the matters, prior to the approval of the final plat by the city.

(D) *Flood prone areas.* No plan will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy and provide adequate street and lot drainage.

(E) *Sewers.* No plat will be accepted that cannot be adequately served with sanitary sewers or other approved disposal systems.
(Prior Code, § 66-217) Penalty, see § 151.999

§ 151.212 NECESSARY DATA FOR FINAL PLAT.

(A) *General.* The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall conform to all state and county requirements and the requirements of this section. For the final plat to be considered it must be accompanied by a letter from a Minnesota registered land surveyor, other than the surveyor drafting the plat, stating that the

proposed plat is in conformance with existing laws and that all mathematical computations are correct. In any event, the data shown on the final plat shall comply with provisions of law.

(B) *Forms of approval.*

(1) Form for approval by Council is as follows:

Approved by the City Council of the City of Park Rapids, Minnesota, this ___ day of ____, 20__.

Signed: _____
Mayor

Attest: _____
City Clerk

(2) Form for approval by Planning Commission is as follows:

Approved by the Planning Commission of the City of Park Rapids, Minnesota, this ___ day of _____, 20__.

Signed: _____
Chair

Attest: _____
Secretary

(Prior Code, § 66-218) Penalty, see § 151.999

§ 151.213 MINIMUM SUBDIVISION DESIGN STANDARDS.

(A) *Conformity with the comprehensive development plan.* The proposed subdivision shall conform to the comprehensive development plan.

(B) *Street plan.* The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive development plan and to this section, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to drainage patterns, to public convenience and safety and in their appropriate relationship to the proposed uses of the land and land to be served by these streets. Names of new streets shall not duplicate existing or platted streets.

(1) *Continuation of existing streets.* The arrangement of streets in new subdivisions

shall make provisions for the appropriate continuation of the existing streets in adjoining areas. When new streets are extensions of existing streets or in alignment with the existing or platted street, the new streets shall be at the same or greater width than the existing streets, but in no case may a new street be less than the minimum width required by this section. Streets which are an extension of existing streets or in alignment with the existing or platted street, shall have the same name as the existing street.

(2) *Future projection of streets.* Where adjoining areas are not subdivided but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at the appropriate locations.

(3) *Widths.* All right-of-way widths and pavement widths (face to face of curb) shall be not less than the following dimensions:

<i>Classification</i>	<i>Roadway Width</i>	<i>Right-of-Way</i>
Arterial and collector	44 - 48 feet	80 feet
Local	36 feet	66 feet
Alleys (Commercial)	20 feet	24 feet
Alleys (Residential)	16 feet	20 feet
Pedestrian	6 feet	10 feet

(4) *Deflection.* The angle of intersection between any 2 streets shall not vary by more than 10 degrees from a right angle.

(5) *Grades.* All centerline gradients shall be at least .5% wherever feasible and shall not exceed the following:

<i>Classification</i>	<i>Grade (Percent)</i>
Arterials	4%
Collector	7%
Local	8%
Minor streets, alleys	8%

(6) *Vertical curves.* Different connecting street gradients shall be connected with vertical curves. Minimum lengths of these curves shall conform to the standards specified in Table A, Sheet 5-291.231 of the Minnesota Highway Road Design Manual as amended.

(7) *Street jogs.* Street jogs shall have a centerline offset of 150 feet or more when applied to minor streets or marginal access streets; in all other cases, they shall be avoided.

(8) *Minor streets.* Minor streets shall be so aligned as to discourage their use by through traffic.

(9) *Cul-de-sacs*. The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of the right-of-way and terminated with a diameter of 120 feet.

(10) *Marginal access streets*.

(a) Where a subdivision abuts or contains an existing or planned major thoroughfare, the Council may require a street approximately parallel to and on either side of the right-of-way for adequate protection of residential properties and to afford separation of through and local traffic.

(b) The marginal access streets shall be located at a distance from the major thoroughfare right-of-way as to allow for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in the appropriate districts.

(c) The distances shall also be determined with due regard for the requirements for approach grades and future grade separations.

(11) *Half streets*.

(a) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this section; and except where the Council finds it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided.

(b) Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract.

(12) *Reserve strips*. Reserve strips controlling access to streets shall be prohibited.

(13) *Private streets*. Private streets shall not be approved nor shall public improvements be approved for any private street.

(14) *Hardship to owners of adjoining property avoided*. The street arrangements shall not be so as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(C) *Alleys*.

(1) *Location requirements*. Either a public or private alley shall be provided in a block where commercially zoned property abuts a major or local thoroughfare.

(2) *Widths*. All alley right-of-ways and pavement widths shall conform to the following minimum standards:

<i>Classification</i>	<i>Right-of-Way</i>	<i>Pavement</i>
Industrial/Commercial	24 feet	20 feet
Residential (2-way)	20 feet	16 feet

(3) *Grades.* All centerline gradients shall be at least .5% but not more than 8%.

(D) *Intersections.*

(1) *Angle of intersection.* The angle formed by intersecting streets shall not be less than 60 degrees when measured at the acute angle formed by the intersecting centerlines. An angle of 90 degrees is preferred.

(2) *Size of intersection.* Intersections of more than 4 corners are prohibited.

(3) *Corner radii.* Roadways of street intersections at the curb shall be rounded by a radius of not less than 20 feet. Roadways of alley-street intersections shall be rounded by a radius of not less than 10 feet. Corners at the entrance to the turnaround portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.

(E) *Water supply.* Extensions of the public water supply system shall be designed so as to provide public water service to each lot. The design of the extensions shall be in accordance with the standards of the city.

(F) *Sewage disposal.* Extension of the public sanitary sewer system shall be designed so as to provide sewer service to each lot. The design of the extensions shall be in accordance with the applicable standards of the city, county, and state.

(G) *Drainage.* A complete and adequate drainage system for the subdivision shall be designed and shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins. The system or systems shall be designed in conformity with all applicable standards of the city.

(H) *Easements.*

(1) *Utilities.* Easements at least 12 feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary and shall be dedicated to the public by appropriate language in the plat. They shall have continuity of alignment from block to block and at deflection points, easements for pole-line anchors shall be provided where necessary. Easements shall be provided along property lines from utility easements on rear lots lines to right-of-way so as to provide for a street light interval not to exceed 500 feet.

(2) *Drainage.* Easements shall be provided along each side of the centerline of any water course or drainage channel whether or not shown in the comprehensive development plan,

to a width sufficient to provide proper maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers, and they shall be dedicated to the city by appropriate language in the plats.

(I) *Blocks.*

(1) *Factors governing dimensions.* Block length and width or acreage within bordering streets shall be so as to accommodate the size of residential lot required in the area by the Zoning Chapter and to provide for convenient access, circulation control, and safety of street traffic.

(2) *Length.* Block lengths shall not exceed 1,300 feet.

(3) *Arrangements.* A block shall be so designed as to provide 2 tiers of lots, unless it adjoins the Heartland Trail, Fish Hook River or a lake, or a major thoroughfare, where it may have a single tier of lots.

(J) *Lots.*

(1) *Location.* All lots shall abut by their full frontage on a publicly dedicated street or a street that has received legal status as such.

(2) *Size.* The dimensions of lots in a subdivision shall not be less than the minimum dimensions specified under the appropriate district requirements in the City Zoning Chapter.

(3) *Butt lots.* Butt lots shall be platted at least 5 feet wider than the average width of interior lots in the block.

(4) *Side lot lines.* Side lines of lots shall be substantially at right angles to the street line.

(5) *Water courses.* Lots abutting upon a water course, drainage way, channel or stream shall be required to abide by the regulations of the shoreland provision of the Zoning Chapter.

(6) *Natural features.* In the subdivision of any land, due regard shall be shown for all natural features such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(7) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

(8) *Lots along thoroughfares.* Except in those cases where there are extenuating circumstances, residential lots shall not front on major thoroughfares.

(Prior Code, § 66-219) Penalty, see § 151.999

§ 151.214 PARK DEDICATION, OPEN SPACES AND PUBLIC USES.

(A) Authority.

(1) Pursuant to M.S. 462.358, as it may be amended from time to time, the City Council, upon recommendations by the Planning Commission, shall require all subdividers requesting platting or replatting of land in the City of Park Rapids to contribute 5% of final gross area of the subdivision to be dedicated to the public for their use as either parks, playgrounds, public open space, trail systems; or to contribute an equivalent amount of cash, or any combination thereof.

(2) The form of contribution (cash, land, or any combination thereof) shall be decided by the City Council upon recommendation of the Planning Commission.

(3) Stormwater ponding areas may be incorporated into the park land but shall not be consider a part of the park land dedication.

(B) Conditions for contribution for dedication. It shall be deemed in the public interest to require land dedication, cash contribution or any combination thereof when the City Council, after review and recommendation, makes 1 or more of the following findings of fact:

(1) The contribution is necessary in order to protect adjacent land uses from potential conflicting land uses which could exist on the land being subdivided.

(2) Increased number of residents to reside or be employed within the subdivision will increase the recreational demands upon the city.

(3) The contribution is necessary to provide surface water run off generated by the use proposed within the subdivision.

(4) The land proposed to be subdivided contains or borders upon existing unique topographical features including but not limited to ponds, lakes, streams, timber stands, water holding areas, hills, steep slopes, drainage areas or bluffs which should be preserved to prevent foreseeable safety, pollution, or erosion hazards or to provide unique recreational and aesthetic qualities and enjoyment for the City of Park Rapids.

(5) The contribution is necessary to comply with or fulfill the goals, policies, and plans of the city.

(C) Type of contribution or dedication.

(1) The City Council shall require the subdivider to dedicate 5% of the final plat gross area or contribute an equivalent amount of cash, or any combination thereof to be used for either park, open space or trail purposes.

(2) Land dedication will only be accepted if the property is consistent with the city's recreation or other related plans. In the absence of these plans or if the proposed dedicated land is inconsistent with the appropriate city plans, cash contribution shall be mandatory.

(D) *Procedure for cash contribution.*

(1) Any cash contribution shall be based on 5% of the estimated fair market value of the undeveloped land of the final plat area.

(2) For purposes of this division, ***FAIR MARKET VALUE OF UNDEVELOPED LAND*** is defined as fair market value of the undeveloped portion of the proposed gross platted area at the time of final plat submittal. The value shall exclude any value to be added to the land as a result of improvements required as part of the final plat approval, including utilities, streets, holding ponds and other public improvements serving the land. The fair market value as determined by the City Council shall be based upon a current appraisal submitted to the city by a qualified real estate appraiser at a fair market value or by reference to the estimated market value as determined by the Hubbard County Assessor or by market analysis or other qualified opinion from a non-certified appraiser. The cost of the appraisal shall be originally paid by the city and then paid to the city from the cash contribution amount paid by the subdivider. If the subdivider disputes the accepted appraisal, the subdivider at his or her own expense may obtain a second appraisal of the property, which may, at the option of the City Council, be accepted by the City Council as being an accurate appraisal of the property in question. If the city rejects the subdivider's second appraisal, the amount of the cash contribution shall be settled by arbitration between the subdivider and the City Administrator. All revenue obtained as park dedication fees shall be placed in the city's park land dedication account.

(E) *Land dedication.* In cases where the subdivider is required to dedicate land area, the City Council shall have the right to determine the geographic location and configuration of the dedication.

(F) *Delayed dedication or contribution.* At the time of preliminary plat approval, the subdivider shall commit to the park dedication policy. The subdivider shall be required to pay the dedication prior to the filing of the final plat.

(G) *Exceptions for outlots.* In subdivisions which include outlots, the subdivider may contribute land, cash, or any combination thereof for the entire subdivision, including land within the outlots, or for only that land exclusive of the outlots. When the outlots are subdivided, the contribution requirement shall be met in accordance with then existing regulations as applicable, unless the contributions have been previously met.

(H) *Resubdivision credit.* In a subdivision of any parcel of land which previously has been subdivided and previously subjected to a cash contribution or land dedication, the amount of the land dedication or cash contribution previously received or dedicated shall be a credit against any new contributions or dedication required for resubdivision.

(I) *Commercial or industrial subdivisions.* The City Council may waive the requirements of this section for commercial or industrial subdivisions or resubdivisions when it is found the waiver is in the best interest for the City of Park Rapids. (Prior Code, § 66-220) (Ord. 346, passed 6-12-2001; Am. Ord. 400, passed 11-25-2003; Am. Ord. 418, passed 11-29-2004) Penalty, see § 151.999

§ 151.215 REQUIRED IMPROVEMENTS ON THE SITE.

Prior to the approval of a final plat by the Council, the subdivider shall have agreed, in the manner set forth in this section, to install or pay for the installation in conformity with all applicable standards and provisions of this code, the following improvements on the site.

(A) *Monuments.* Monuments of a permanent character shall be placed in locations on the boundary of the subdivision and within it as required.

(B) *Street and alley improvement.*

(1) *Grading.* The full width of the right-of-way of each street and alley dedicated in the plat shall be graded.

(2) *Pavement.* All streets and alleys shall have an adequate subbase and shall be improved with an all-weather, permanent surface. If the streets and alleys are not paved, Class V gravel must be applied as approved by the City Engineer.

(C) *Water supply and sewage disposal.* Water service and sanitary sewer mains and service connections stubbed into the property line shall be provided to serve all the lots in residential subdivisions and shall be connected to the existing city water and sewer system.

(D) *Drainage.* A system that will adequately take care of the water runoff within the subdivision shall be provided. If the City Council, upon the recommendation of the City Engineer, determines that it is feasible for the subdivider to install storm sewers connected to the existing storm sewer system of the city within or adjacent to the subdivision, or an extension of the city system which will be extended to the boundary of the subdivision within 18 months of the filing of the final plat, the city shall install a storm sewer system to provide drainage. If a storm sewer system is installed and connections to the city system are not immediately available, the storm sewers shall be capped and temporary provisions made for drainage by other means. The cost of storm sewers shall be assessed against the benefiting properties including those which may lie outside the boundaries of the proposed subdivision.

(E) *Street signs.* Street signs shall be installed in all new subdivisions by the city.

(F) *Underground electric service and phone service.* The City Council may require that all electric service and phone service installations be put underground except where extreme conditions prohibit and a variance from this requirement is recommended by the Planning

Commission upon the advice of the utility companies.
(Prior Code, § 66-221) Penalty, see § 151.999

§ 151.216 DEVELOPMENT AGREEMENT FOR IMPROVEMENTS.

(A) *Plans and specifications.* Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the city requiring the subdivider to furnish and construct the improvements at his or her sole cost and in accordance with plans and specifications and usual contract conditions all approved by the Council, which shall include provisions for supervision of details of construction by the City Engineer and grant to the City Engineer authority to coordinate the work to be done under the contract by any subcontractors authorized to proceed thereunder and with any other work being done or contracted by the city in the vicinity. The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as specified in division (B) below, the amount of the deposit and the penal amount of the bond to be equal to the city engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the city. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby, prior to acceptance of the plat, and in the event, the amount of the deposit or bond shall be reduced in an amount equal to the estimated cost of the improvements to be furnished after the acceptance of the plat only. The time for completion of the work and the several parts thereof shall be determined by the Council upon recommendation of the City Engineer after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year and proper coordination with construction activities in the subdivision. The provisions of this section shall be waived or amended as deemed appropriate by the City Council upon advice of the City Engineer on those improvements which the city has agreed to install under the provisions of § 151.217.

(B) *Financial guarantee.* The contract required by this section shall require the subdivider to make an escrow deposit or in lieu thereof, furnish a performance bond as follows.

(1) *Escrow deposit.* An escrow deposit shall be made with the City Clerk in an amount equal to the total cost, as estimated by the City Engineer including the cost of inspection by the city, of all the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The city shall be entitled to reimburse itself out of the deposit for any cost and expense incurred by the city for completion of the work in case of default of the subdivider under the contract, and for any damages sustained by the city on account of any breach thereof. Upon completion of the work and termination of any liability to the city of the subdivider under this contract, the balance remaining in the deposit shall be refunded to the subdivider.

(2) *Performance bond.* In lieu of making the escrow deposit above described, the subdivider may furnish the city with a public contractor's performance bond in the form prescribed by statute, with corporate surety, in a penal sum equal to the total cost, as estimated

by the City Engineer including the cost of inspection by the city, of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bond shall be approved by the City Attorney and filed with the City Clerk.

(3) *Construction plans.* Construction plans for the required improvements, conforming to all respects with the standards of the City Engineer and this code, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota and shall contain his or her seal. The plans, together with the quantities of construction items, shall be submitted to the City Engineer for his or her estimate of the total cost of the required improvements. Upon approval they shall become a part of the contract required in division (A) above. The tracings of the plans approved by the City Engineer plus 2 prints shall be furnished to the city to be filed by the City Engineer as a record in the Engineering Department.

(4) *Inspection.* All required improvements on the site that are to be installed under the provisions of this section shall be inspected during the course of construction by the City Engineer at the subdivider's expense, and acceptance shall be subject to the City Engineer's certificate of compliance with the contract.

(C) *Improvements completed prior to approval of final plat.* Improvements within the subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted and equivalent improvements in compliance with the requirements of this section if the City Engineer certifies that he or she has determined that the existing improvements conform to applicable city standards.

(Prior Code, § 66-222) Penalty, see § 151.999

§ 151.217 OPTIONAL CITY CONSTRUCTION PERMITTED.

(A) *Petition.*

(1) In lieu of doing the actual construction work on improvements required to be made by the subdivider under this subchapter, the subdivider may petition the city to do the construction work required.

(2) The petition shall include a request that the benefited property be assessed for the cost of the improvements where appropriate.

(3) The petition shall be presented to the city by September 1 for construction during the next season.

(4) The option shall apply to streets, alleys, curb and gutters, water and sanitary sewer facilities.

(5) In no event shall the construction result in a cost to be borne by the taxpayers of the city generally, except in those cases where part of the benefit of the construction is deemed by the City Council to extend beyond the properties contained in the proposed subdivision.

(B) Payment for installation of improvements.

(1) Improvements required by this subchapter are to be furnished and installed at the sole expense of the subdivider and at no expense to the city, unless otherwise stated.

(2) In the case of an improvement the cost of which would, by general policy of the Council, be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, the Council may make provisions for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the city, and provided further, that if any improvement installed within the subdivision, the Council may make provision for causing a portion of the cost of the same and in the case the subdivider will be required only to pay for the portion of the whole cost of the improvement as will represent the benefit to the property within the subdivision.

(Prior Code, § 66-223)

§ 151.218 MODIFICATION, EXCEPTIONS, AND VARIANCES.

(A) Minor subdivisions. In the case of a subdivision of small size and of minor importance, situated in a locality where conditions are well defined, the city may exempt the subdivider from complying with some of the requirements of this section. In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create 2 lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with this section or the Zoning Chapter, the division may be approved by the City Council after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

(B) Variances. The Council may grant a variance upon receiving a report from the Planning Commission in any particular case where the subdivider can show that, by reason of exceptional topography or other physical conditions, the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right, provided the relief may be granted without detriment to the public welfare and without impairing the intent and purpose of this section.

(C) Application process. Application for a variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Council, stating fully all facts relied upon by the petitioner and supplemented with maps, plans or other additional data which may aid the Planning Commission and Council in the analysis of the proposed project. The plans for the development shall include covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. Any variance or modification thus granted shall be recorded in resolution form and entered in the minutes of the Council

setting forth the reasons which justified the action taken.
(Prior Code, § 66-224)

§ 151.219 BUILDING PERMITS.

No building permits shall be issued for construction on any lot until the final plat has been recorded.

(Prior Code, § 66-225) Penalty, see § 151.999

§ 151.220 COPIES OF PLAT.

Copies of all plats or subdivisions, after the same have been submitted and approved as provided in this subchapter, shall be filed with the City Engineer.

(Prior Code, § 66-226) Penalty, see § 151.999

§ 151.221 CONVEYANCE BY METES AND BOUNDS.

No conveyance of land shall be filed which fails to meet the requirements set forth in state law.

(Prior Code, § 66-227) (Ord. passed 1994) Penalty, see § 151.999

§ 151.222 PLANNED UNIT DEVELOPMENT REVIEW.

(A) Planned Unit Developments (PUD's) are allowed as conditional uses for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land in those management districts where specifically identified in §§ 151.055 *et seq.* Planned Unit Developments shall be processed as a conditional use, except that an expansion to an existing Commercial PUD involving 6 or fewer new dwelling units or sites since the date of enactment of this chapter is allowed as a permitted use provided that the total project density does not exceed the allowable densities as prescribed in this section. Approval shall not occur until the environmental review process (EAW/EIS) has been completed, as required by Minnesota Environmental Quality Board rules.

(B) (1) An applicant for a PUD shall submit the following documents to the Zoning Administrator prior to final action being taken on the application request. A site plan and/or plat for the project showing:

- (a) The boundary of the proposed development;
- (b) Surface water features and other natural and manmade features;

(c) Existing and proposed structures and other facilities, proposed land alterations; the location of existing and proposed sewage treatment and water supply systems; and

(d) Topographic contours at a minimum of 10 foot intervals.

(2) A PUD that combines commercial and residential structures shall indicate and distinguish which buildings and portions of a project are commercial, residential, or a combination of the 2.

(C) For Residential Planned Unit Development a property owner's association agreement with mandatory membership, all in accordance with the maintenance and administrative requirements prescribed in § 151.225 of the code.

(D) Deed restrictions, covenants, permanent easements or other instruments that:

(1) Properly address future vegetative and topographic alterations; construction of additional buildings; beaching of watercraft; and construction of commercial buildings in residential PUD's; and

(2) Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in the maintenance and administrative requirements of this section.

(E) For Commercial Planned Unit Developments and for commercial structures within a Residential Planned Unit Development, a master plan/drawing describing the proposed project and the floor plan for all commercial structures to be occupied.

(F) Any additional documents as requested by the Park Rapids Planning Commission that are necessary to explain how the PUD will be designed and will function.
(Prior Code, § 66-228) (Ord. passed 1994; Am. Ord. 370, passed 9-11-2002)

§ 151.223 PUD SITE SUITABILITY EVALUATION.

(A) Proposed new, or expansions to existing, Planned Unit Developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site evaluation.

(B) The project parcel must be divided into tiers by locating 1 or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

<i>Public Water Classification</i>	<i>Tier Interval</i>
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Unsewered Natural Environment Lake Lots	400 feet
Sewered Natural Environment Lake Lots	320 feet

<i>Public Water Classification</i>	<i>Tier Interval</i>
Unsewered Recreational Development Lake Lots	267 feet
Sewered Recreational Development Lake Lots	267 feet
Tributaries	300 feet

(C) (1) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, and land below the ordinary high water level of public waters.

(2) This suitable area and the proposed development are then subjected to either the Residential or Commercial Planned Unit Development density evaluation steps to arrive at an allowable number of dwelling units or sites within each tier.

(Prior Code, § 66-229) (Ord. passed 1994; Am. Ord. 370, passed 9-11-2002)

§ 151.224 RESIDENTIAL AND COMMERCIAL PUD DENSITY EVALUATION.

The procedures for determining the allowable density of Residential and Commercial Planned Unit Development are as follows. Allowable densities may be transferred from a tier to any other tier farther from the public water, but shall not be transferred to any tier closer to the public water.

(A) To determine the allowable density for Residential Planned Unit Developments:

(1) For lakes or tributaries, the suitable area within each tier is divided by the single residential lot size standard for the applicable management district.

(2) Proposed locations and numbers of dwelling units or sites for the residential Planned Unit Developments are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria prescribed in § 151.225. All Residential Planned Unit Developments must contain at least 5 dwelling units or sites.

(3) (a) Dwelling unit or site density increases above the densities determined in the evaluation may be permitted if all dimensional standards in § 151.069 are met or exceeded. Maximum density increases may only be allowed if all maintenance and design criteria in § 151.225 are also met or exceeded. Increases in dwelling unit or site densities must not exceed the maximums in the following table. Allowable 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 to the water.

(b) Maximum allowable dwelling unit or site density increases for Residential Planned Unit Developments.

<i>Density Evaluation Tiers</i>	<i>Maximum Density Increase Within Each Tier (Percent)</i>
First	50%
Second	100%
Third	200%
Fourth	200%
Fifth	200%

(B) To determine the allowable density for Commercial Planned Unit Developments:

(1) The average inside living area size of dwelling units or sites is computed. Computation of inside living area need not include decks, patios, stoops, steps, garages, porches, or basements unless these areas are habitable space.

(2) The appropriate floor area ratio is then selected from the following table based upon the average unit floor area for the appropriate public water classification.

<i>Commercial Planned Unit Development*</i>			
<i>Floor Area Ratio by Public Waters Classification</i>			
<i>Average Unit Floor Area (square feet)</i>	<i>Non-Shoreland Areas and Tributaries</i>	<i>Recreational Development Lakes</i>	<i>Natural Environment Lakes</i>
200 or less	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027

<i>Commercial Planned Unit Development*</i>			
<i>Floor Area Ratio by Public Waters Classification</i>			
<i>Average Unit Floor Area (square feet)</i>	<i>Non-Shoreland Areas and Tributaries</i>	<i>Recreational Development Lakes</i>	<i>Natural Environment Lakes</i>
1,100	.116	.058	.029
1,200	.125	.064	.032

<i>Commercial Planned Unit Development*</i>			
<i>Floor Area Ratio by Public Waters Classification</i>			
<i>Average Unit Floor Area (square feet)</i>	<i>Non-Shoreland Areas and Tributaries</i>	<i>Recreational Development Lakes</i>	<i>Natural Environment Lakes</i>
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500 or more	.150	.075	.038

*For recreational camping areas, use the ratios listed for average floor area of 400 square feet. Manufactured home sites in recreational areas shall use a ratio equal to the size of the manufactured home, or if known shall use the ratio listed for the average floored area of 1,000 square feet.

(3) The suitable area within each tier is multiplied by the floor area ratio to yield the total floor area in each tier allowed to be used for dwelling units or sites;

(4) The total floor area for each tier is divided by the average living area size to yield the number of dwelling units or sites allowed for each tier;

(5) Proposed locations and numbers of dwelling units or sites for the Commercial Planned Unit Developments are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria prescribed in § 151.221.

(Prior Code, § 66-230) (Ord. passed 1994; Am. Ord. 370, passed 9-11-2002; Am. Ord. 375, passed 11-26-2002; Am. Ord. 392, passed 8-12-2003) Penalty, see § 151.999

§ 151.225 PUD MAINTENANCE AND DESIGN CRITERIA.

(A) Before final approval of a Planned Unit Development may be granted, adequate provisions must be developed for the preservation and maintenance of open spaces in perpetuity, and for the continued existence and functioning of the development.

(B) Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

- (1) Commercial uses shall be prohibited in Residential Planned Unit Developments;
- (2) Vegetative and topographic alterations, except for routine maintenance, shall be prohibited.
- (3) Construction of additional buildings or the storage of vehicles and/or other materials is prohibited; and
- (4) Uncontrolled beaching of watercraft shall be prohibited.

(C) All Residential Planned Unit Development must have a property owners association with the following features:

- (1) Membership shall be mandatory for each dwelling unit or site owner;
- (2) Each member must pay a pro-rata share of the expenses of the association, and unpaid assessments may become liens on units or sites;
- (3) Assessments must be adjustable to accommodate changing conditions; and
- (4) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(D) All Planned Unit Developments must contain open space meeting all of the following criteria:

- (1) At least 50% of the total project area must be preserved as open space;
- (2) Dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, and structures are developed areas and shall not be included in the computation of open space;
- (3) Open space must include those areas with physical characteristic unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
- (4) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
- (5) Open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on these systems;
- (6) Open space must not include commercial facilities or uses;
- (7) The appearance of open 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; and
- (8) The shore impact zone, based upon normal structure setbacks, must be included as open space. For Residential Planned Unit Developments, at least 50% of the shore impact zone of existing developments and at least 50% of the shore impact zone of existing preserved in its natural or existing state. For Commercial Planned Unit Developments, at least 50% of the shore impact zone must be preserved in its natural state.

(E) Erosion control and stormwater management plans must be developed and the PUD must:

(1) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetative buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by the Hubbard Soil and Water Conservation District may be required if warranted by project size and/or the physical characteristics of the site; and

(2) Be designed and constructed to effectively manage reasonably expected quantities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25% of the tier area.

(F) Centralization and design of facilities and structures must be done according to the following standards:

(1) Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

(2) Dwelling units or sites must be clustered into 1 or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the applicable shoreland classification; setback from the ordinary high water level; elevation above the surface water features; and maximum height. Setbacks from the ordinary high water level must be increased for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setbacks, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25% greater than the minimum setback;

(3) Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps must be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed 1 for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

(4) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided; and

(5) Accessory structures and facilities must meet the required principal structure setback, and must be centralized.

(Prior Code, § 66-231) (Ord. passed 1994; Am. Ord. 370, passed 9-11-2002; Am. Ord. 491, passed 5-22-2007) Penalty, see § 151.999

§ 151.226 CONVERSIONS TO PUD'S.

Resorts or other land uses and/or facilities may be converted to Residential Planned Unit Developments provided all of the following standards are met.

(A) Proposed conversions must be initially evaluated using the same procedures as for Residential Planned Unit Developments involving all new construction. Inconsistencies between existing features of the development and the PUD standards shall be identified.

(B) Deficiencies involving water supply and sewage treatment, impervious surface coverage, open space and shore recreation facilities must be corrected as part of the conversion, or as specified in the conditional use permit.

(C) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

(1) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

(2) Remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and

(3) If existing dwelling units are located in shore or bluff impact zones, conditions that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all conversions. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when they are rebuilt or replaced.

(D) Existing dwelling unit or dwelling site densities that exceed standards prescribed in § 151.224 of this chapter may be allowed to continue but shall not be increased, either at the time of conversion or in the future. Efforts must be made during any conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

