

ORDINANCE NO. 1426

AN ORDINANCE OF THE CITY OF WILLMAR, MINNESOTA ENACTING A NEW ARTICLE II IN CHAPTER 14, SUBDIVISIONS, AND REPEALING ORDINANCE NO. 2.023, SUBDIVISION ORDINANCE OF THE CITY OF WILLMAR

The City Council of the City of Willmar hereby ordains as follows:

Section 1. RENAMING CHAPTER 14. The City Council amends the title of Chapter 14 of the Willmar Code of Ordinances, Subdivisions, as follows:

Chapter 14 - SUBDIVISIONS LAND DEVELOPMENT

Section 2. ADOPTION OF NEW ARTICLE II, CHAPTER 14. The City hereby adopts a new Article II, Subdivisions, within Chapter 14, Subdivisions, as follows:

ARTICLE II. – SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 14-101. – Short Title.

This Ordinance shall be known as the “Subdivision Ordinance of the City of Willmar”, and will be referred to herein as “this Ordinance”.

Sec. 14-102 – General Provisions.

- (a) *Purpose.* This Ordinance is enacted pursuant to the authority contained in Minnesota Statute Chapters 505 and 462 for the following purposes:
- (1) To protect and provide for the public health, safety, and general welfare of the City.
 - (2) To harmonize the subdivider’s interests with those of the City at large.
 - (3) To protect existing and future investments and property values.
 - (4) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
 - (5) To provide the most beneficial relationship between the use of land and the circulation of traffic throughout the city.
 - (6) To provide for open spaces through the most efficient plat design and layout, while respecting the density of land developed in accordance with the Zoning Ordinance.

- (7) To prevent the pollution of air, streams, and lakes, and to encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the City.
 - (8) To provide consistency with the purpose and intent of the Comprehensive Plan, Municipal Code, and land use ordinances.
- (b) *Jurisdiction.* The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City. These regulations may be applied outside corporate limits, as provided for under Minn. Stat. Ch. 462, pursuant to a duly adopted resolution of the City Council.
- (c) *Application of Ordinance.* The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots, tracts, or other division of land, including the resubdivision of land or lots. All subdivisions shall be prepared, presented for approval, and recorded as required in this Ordinance, unless exempted as follows:
- (1) Divisions of land into tracts larger than two and one half (2 ½) acres in area and one hundred fifty (150) feet in width, where no new street is involved.
 - (2) Boundary line corrections.
 - (3) Subdivisions required by court order.
 - (4) The creation of cemetery plots.
- A Certificate of Survey is required for exemptions 1-3, and shall be reviewed by City Staff prior to recording.
- (d) *Approvals Necessary for Acceptance of Subdivision Plats.* Before any plat shall be recorded or be of any validity, it shall have been approved by the City Planning Commission and by the City Council of Willmar, as having fulfilled the requirements of this Ordinance, unless the Commission's denial was overridden by the City Council in conformity with the requirements of the City Charter.
- (e) *Applicable Findings.* In reviewing major or minor subdivision applications under this Ordinance, the Planning Commission and City Council shall consider all aspects of the proposed subdivision; particular attention shall be paid to the width and location of streets, sidewalks, suitable sanitary utilities, surface drainage, lot sizes and arrangements, as well as requirements such as parks and playgrounds, schools, recreation sites, and other public uses when applicable. All of the following findings shall be made prior to the approval of a subdivision:
- (1) All the applicable provisions of the Municipal Code and Ordinances are complied with, including, but not limited to, the Zoning and Stormwater Ordinances.

- (2) There is no factual demonstration of a substantial/appreciable negative impact to the present and potential surrounding land uses.
 - (3) The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision.
 - (4) The subdivision is consistent with the City Comprehensive Plan.
 - (5) The subdivision preserves and incorporates the site's important existing natural, scenic, and historical features to the greatest extent possible.
 - (6) All land intended for building sites can be used safely without endangering the residents by peril from floods, erosion, continuously high water table, severe soil conditions, or other menace.
 - (7) The subdivision can feasibly be served with public facilities, infrastructure, and services, and the developer will satisfy this Ordinance's requirements for the construction of such public facilities and infrastructure.
- (f) *Definitions.* For the purpose of this Ordinance, certain words and terms are hereby defined as follows:
- (1) **Block** - An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary of boundaries of the subdivision, or a combination of the above with a river, lake or railroad right-of-way.
 - (2) **Building Permit** - A permit issued by an authorized official of the City to an agent or an owner of land granting lawful authority to build, repair, alter, or reconstruct buildings, structures, or improvements, as required under the City's Building Code.
 - (3) **Certificate of Survey** – A certified survey supplied by a Land Surveyor registered in the State of Minnesota required for divisions of land in the City that are exempted in this Ordinance.
 - (4) **City** - The City of Willmar, Minnesota.
 - (5) **City Council** - The governing body of the City of Willmar.
 - (6) **City Engineer** - The professional engineer designated by the Council.
 - (7) **Comprehensive Plan** - The Willmar community's formal expression of social and economic goals portrayed graphically and in writing, showing the community's desirable future development, the projected uses of private land, and the general location and extent of proposed public facilities, as the same may be updated and amended from time to time.

- (8) **County** – Kandiyohi County, Minnesota.
- (9) **Deflection Angle** - The angle between a line and the prolongation of the preceding line.
- (10) **Design Standards** - The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right of way, blocks, easements and lots.
- (11) **Easement** - A grant by a property owner of an interest in such property for the use of land for the purpose of constructing and maintaining any public utilities, storm drainage ways, ponding area, walkways, roadways or other uses as specified in the legal instrument creating the interest.
- (12) **Horizontal Curve** - The circular curve connecting two lines at tangent points.
- (13) **Lot** - A parcel of land described by metes and bounds, registered land survey, or plat intended for building development, transfer, or ownership.
- (14) **Owner** - Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of them who owns an interest in real property.
- (15) **Parks & Playgrounds** - Public lands and open spaces in the City of Willmar dedicated or reserved for recreation, open space, or conservation purposes.
- (16) **Percentage of Grade** - The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.
- (17) **Pedestrian Way** - A public or private right of way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of utility lines.
- (18) **Planned Unit Development** - An area of land, to be developed as a single cohesive development so as to encourage residential, commercial and industrial developments offering greater creativity and flexibility in site plan design which promotes the purposes of the City Comprehensive Plan and Zoning Ordinance but which does not necessarily correspond in lot size, bulk, or type of dwelling or commercial or industrial use density, lot coverage and open space to the regulations established in any one district.
- (19) **Planning Commission** - The Planning Commission of the City of Willmar.

- (20) **Plat** - The drawing, map, or representation on paper of a piece of land subdivided into lots, parcels, tracts, or blocks, including streets, commons, and public grounds, if any, drawn to scale and complete with all irrevocable offers of dedication, pursuant of Minn. Stat. Ch. 505 and this Ordinance.
- a. **Final Plat** - A drawing or map of a subdivision prepared by a Land Surveyor registered in the State of Minnesota, meeting all the requirements of the City, Minnesota State Statutes, and in such form as required by the County for purposes of recording.
 - b. **Preliminary Plat** - A tentative drawing or map of a proposed subdivision meeting all requirements of the City as stated this Ordinance.
- (21) **Protective Covenants** - Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
- (22) **Right-of-Way (r/w)** – That portion of a dedicated street, avenue, or other public way lying between its outer boundaries, and within which public streets, boulevards, tree plantings, sidewalks, and utilities may be located.
- (23) **Street** - A public right of way providing primary access by pedestrians and vehicles to abutting properties, whether designated as a roadway, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, place or however otherwise designated.
- a. **Alley** - A public right of way which affords a secondary means of access to abutting property.
 - b. **Boulevard** – The area of street right-of-way between the curblineline and the property line.
 - c. **Collector Street** - Those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts.
 - d. **Cul-de-sac** - Minor streets with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
 - e. **Local or Minor Streets** - Those which are used primarily for access to abutting properties.
 - f. **Frontage or Marginal Access Streets** - Those which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.

- g. **Arterial Streets** - (Primary and Secondary) Those which are used primarily for heavy traffic, and serving as an arterial traffic way between the various districts of the community.
 - h. **Street Width** - The shortest distance between lines of lots delineating the street right of way.
- (24) **Subdivision** - A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than two and one half acres in area or less than 150 feet in width, for the purpose of transfer of ownership, building development, or tax assessment purposes. The term includes resubdivision, and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.
- a. **Minor Subdivision** – A subdivision of land that results in no more than four (4) parcels, and meets all requirements of section 14-105(a) of this Ordinance.
 - b. **Major Subdivision** – A subdivision of land that does not qualify as a Minor Subdivision.
- (25) **Tangent** - A straight line which is perpendicular to the radius of a curve where a tangent meets a curve.
- (26) **Vertical Curve** - The surface curvature on a street center line located between lines of different percentage of grade.
- (27) **Zoning Administrator** – The Zoning Administrator of the City of Willmar.

Secs. 14-103—14-104. - Reserved.

DIVISION 2. – PROCEDURES

Sec. 14-105. – Minor Subdivisions.

- (a) *Qualifications.* A subdivision shall meet the following conditions to qualify as a minor subdivision, and shall be subject to the Planning Commission’s review and approval pursuant to this section:
- (1) The subdivision results in not more than four (4) lots or parcels.
 - (2) All utilities and easements are provided.
 - (3) Design standards and minimum lot area and width are met.
 - (4) No new or changes to current streets, utilities, or easements are required, except for the requirements in section 14-112(d)(1)&(5) of this Ordinance (municipal utility and tree planting easements).
 - (5) The plat does not abut or contain a wetland, lake, state highway, country road or highway, or county state-aid highway.

- (6) No nonconformity is created or expanded.
- (b) *Procedure.* Before dividing or combining any tracts(s) of land that qualify as a minor subdivision, the procedure set forth in this section shall be followed:
- (1) A preliminary plat (consistent with the requirements in section 14-107), application, applicable fees, and such other information as the Zoning Administrator shall require to review the proposed minor subdivision shall be submitted to the Zoning Administrator at least fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered. However, the Planning Commission, whenever it deems appropriate, may require a major subdivision plat procedure. The Zoning Administrator shall review the minor subdivision application materials for completeness, and if it is determined additional information is necessary to complete the application, shall return the application to the applicant with a description of the additional information needed. Once the application is determined to be complete, the Zoning Administrator shall review the minor subdivision application, and prepare a report thereon setting out whether or not the plat meets requirements of state and federal law, City ordinances, and the City of Willmar Comprehensive Plan. The plat may be sent to Willmar Municipal Utilities, the Willmar Fire Chief/Marshall, City Engineering/Public Works, City Attorney, and others as necessary for comment and review. The Zoning Administrator shall present said report, together with recommendations, to the next meeting of the Commission following its filing as set forth above.
 - (2) Upon the Zoning Administrator's determination that the minor subdivision application is complete, the Planning Commission shall consider the minor subdivision at the meeting at which it is submitted, and may consider the same at future special or regular meetings as it shall determine necessary.
 - (3) A public hearing may be held on the minor subdivision as the Planning Commission shall determine necessary. Such hearing, if conducted, shall be held following publication of notice of the time and place thereof in the official newspaper and to property owners residing within three hundred and fifty (350) feet of the subject property. Such notices shall be sent by the Zoning Administrator, and addresses taken from current county tax records shall be deemed sufficient for such notification. Said notice shall not be less than ten (10) days nor more than thirty (30) days prior to the public hearing.
 - (4) The Planning Commission shall have the authority to approve or deny the minor subdivision, to approve it with conditions attached,

or to table it until and unless certain conditions are first complied with, provided that if further action is not taken by the subdivider within a period of three (3) months from the date of such decision, the minor subdivision shall be deemed to be disapproved.

- (5) The Planning Commission may impose additional reasonable conditions of approval as it determines appropriate based on the circumstances of the minor subdivision, including, without limitation, that the City's actual cost to review the minor subdivision plat application be reimbursed by the subdivider; that an irrevocable letter of credit or other accepted means of security be submitted to secure any portion of applicable park dedication fees for which payment will be delayed pursuant to section 14-113(g) of this Ordinance; and that the final plat conform to the requirements of Minn. Stat. Ch. 505 and be in a form recordable in the Office of the County Recorder.
- (6) A final decision to approve the minor subdivision by the Planning Commission shall be determined by motion; however, a decision to deny the minor subdivision shall be made by written resolution setting forth the basis for the denial. The Planning Commission's final action shall be communicated to the subdivider by the Zoning Administrator.
- (7) The subdivider shall submit one (1) digital copy of the final plat (consistent with the requirements in section 14-108) to the Zoning Administrator for filing and to assure all terms of the Commission's approval have been met prior to recording the plat with the County.
- (8) The subdivider shall record the minor subdivision final plat approved by Staff within six (6) months of the Planning Commission approval date. The subdivider shall provide the City with one (1) copy of the Mylar showing evidence of recording. If the plat is not recorded within the time given, the Commission may extend the time period of approval for not more than six (6) months.
- (9) If the minor subdivision plat is approved, the Planning Commission chairman and secretary and the City Council Mayor and City Clerk shall sign the same when the recordable copies are presented for signatures.

Sec. 14-106. – Major Subdivisions.

- (a) *Preliminary Plat.* Before dividing or combining any tract(s) of land in a way that does not qualify as a minor subdivision, the procedure set forth in this section shall be followed. A preliminary plat application shall be approved or denied by the Planning Commission and City Council within

120 days of the date a complete preliminary plat application was received by the Zoning Administrator, unless the City and the applicant have agreed to an extension. The Planning Commission may consolidate its review and consideration of the preliminary and final plats into one process.

(1) *Submittal to the Planning Commission.*

- a. A preliminary plat (consistent with the requirements in section 14-107), application, applicable fees, and such other information as the Zoning Administrator shall require to review the proposed preliminary plat shall be submitted to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which the same shall be considered. The Zoning Administrator shall review the preliminary plat application materials for completeness, and if it is determined additional information is necessary to complete the application, shall return the application to the applicant with a description of the additional information needed. Once the application is determined to be complete, the Zoning Administrator shall review the preliminary plat, and prepare a report thereon setting out whether or not the plat meets requirements of the state and federal law, City Ordinances, and the City of Willmar Comprehensive Plan. The plat may be sent to Willmar Municipal Utilities, the Willmar Fire Chief/Marshall, City Engineering/Public Works, City Attorney and others as necessary for comment and review. Should a plat abut or contain a wetland, lake, state highway, county road or highway, or county state-aid highway, then the Zoning Administrator shall promptly forward a copy of the proposed plat to the appropriate state agency or the County for comment and review thereon within thirty (30) days. All comments on the proposed plat received from any state or county agencies shall be included in the Zoning Administrator's report to the Planning Commission. The Zoning Administrator shall present said report, together with recommendations, to the next meeting of the Commission following its filing as set forth above.
- b. Upon the Zoning Administrator's determination that the preliminary plat application is complete, the Planning Commission shall consider the plat at the meeting at which it is submitted, and may consider the same at future special or regular meetings as it shall determine necessary.
- c. A public hearing shall be held on all major subdivision applications prior to preliminary plat approval within sixty (60) days of filing. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper

and to property owners residing within three hundred and fifty (350) feet of the subject property. Such notices shall be sent by the Zoning Administrator, and addresses taken from current county tax records shall be deemed sufficient for such notification. Said notice shall not be less than ten (10) days nor more than thirty (30) days prior to the public hearing.

- d. The Planning Commission shall approve or deny the preliminary plat, approve it with conditions attached, or table it until and unless certain conditions are first complied with, provided that the Commission must make its final decision within sixty (60) days of the date a complete preliminary plat application was received by the Zoning Administrator unless an extension is agreed to by the applicant.
- e. If the proposed subdivision will involve construction of public improvements, the Commission may make a condition of approval that the subdivider enter into a development agreement in a form satisfactory to the City that addresses the manner in which such public improvements will be constructed and financed pursuant to the requirements of this Ordinance. The Commission may impose additional reasonable conditions of approval as it determines appropriate based on the circumstances of the subdivision, including, without limitation, that the City's actual cost to review the major subdivision plat application be reimbursed by the subdivider; that an irrevocable letter of credit or other accepted means of security be submitted to secure any portion of applicable park dedication fees for which payment will be delayed pursuant to section 14-113(g) of this Ordinance; and that the final plat conform to the requirements of Minn. Stat. Ch. 505 and be in a form recordable in the Office of the County Recorder.
- f. A final decision to approve the preliminary plat by the Planning Commission may be made by motion; however a decision to deny the preliminary plat shall be made by written resolution setting forth the basis for the denial. The final action shall be communicated to the subdivider by the Zoning Administrator, and the Commission's decision shall be forwarded to the City Council with data as applicable.

(2) *Submittal to the City Council.*

- a. Upon the approval by the Planning Commission, or in the event the Planning Commission shall fail to act within the time required above, the preliminary plat shall come before the City Council for review.
- b. The Council may hold public hearings on the plat as it shall determine, and upon such, notice shall be provided.

- c. The Council shall have authority to approve, deny, modify, or amend the decision of the Planning Commission, and it may refer the same to the Planning Commission for further study with or without directions. A referral to the Planning Commission shall not be deemed a final action thereon by the City Council, and the Planning Commission shall report back thereon no later than thirty (30) days following the council meeting at which it was referred. The City Council may impose additional reasonable conditions of approval as it determines appropriate based on the circumstances of the subdivision, including, without limitation, any conditions imposed by the Planning Commission under this section.
 - d. A final decision to approve the preliminary plat by the City Council may be made by motion; however, a decision to deny the preliminary plat shall be made by written resolution setting forth the basis for the denial.
 - e. The approval of the preliminary plat shall not constitute an acceptance of the subdivision, but it shall be deemed to be an authorization to proceed with the preparation of the final plat.
 - f. The approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval by the City Council.
 - g. The subdivider may file a final plat limited to such portion of the preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion, or all, of the final plat has not been submitted to the Planning Commission for approval within the time hereinabove provided, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval, unless the Commission and the Council extend the time period of preliminary approval, which extension shall be for not more than twelve (12) months.
- (b) *Final Plat.* After the preliminary plat has been approved, and the subdivider determines to proceed to secure approval of all or part thereof as a final plat, the procedure set forth in this section shall be followed. A final plat shall be approved or disapproved by the Planning Commission and City Council within 60 days of the date a complete final plat application evidencing satisfaction of all conditions of preliminary plat approval was received by the Zoning Administrator. If the preliminary and final plat approval process is consolidated, a final plat shall be submitted to the Zoning Administrator for filing and to assure all terms of the Commission's approval have been met prior to the recordable copies being presented for signatures.

- (1) *Submittal to Planning Commission.*
- a. The final plat (consistent with the requirements in section 14-108) shall be submitted to the Zoning Administrator at least fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered. The Zoning Administrator shall review the final plat application materials for completeness, and if it is determined additional information is necessary to complete the application, shall return the application to the applicant with a description of the additional information needed. Once the application is determined to be complete, the Zoning Administrator shall prepare a report clearly stating whether or not the final plat is consistent with and satisfies all conditions of approval of the preliminary plat, and whether or not it conforms to the requirements of state and federal law, City ordinances, and the City of Willmar Comprehensive Plan. The Zoning Administrator shall present said report, together with recommendations, to the next meeting of the Commission following its filing as set forth above.
 - b. The subdivider shall present with the plat to the Planning Commission an abstract of title, Title Opinion, or Certificate of Title, with an opinion of a duly licensed attorney at law certifying that the persons signing the plat are the only owners of interest, either as fee title owners, owners of less than fee, or as mortgagees or lien holders, of the land therein platted. The said attorney's opinion shall also contain a certification that the plat meets the requirements imposed by the laws of the State of Minnesota and the ordinances of the City of Willmar, provided, however, that with respect to the requirements of such laws and ordinances dealing with data and provisions of an engineering nature, it shall be sufficient if such opinion sets forth that the requirements of the laws and ordinances respecting questions of engineering, survey and similar technical data are considered to be within the province of the City Engineer and are not passed upon in the opinion.
 - c. The Planning Commission shall consider the final plat at the meeting at which it is submitted, and may consider it at such future special or regular meetings as it shall determine necessary.
 - d. The Planning Commission shall approve or deny the plat. If conditions required on the preliminary plat have not been met, all further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if further action is not taken by the subdivider within a period of three (3)

months from the date of such decision, the plat shall be deemed to be denied.

- e. A final decision to approve the final plat by the Planning Commission shall be made by motion; however a decision to deny the plat shall be made by written resolution setting forth the basis for the denial. Final action shall be communicated to the subdivider by the Zoning Administrator, and Commission's decision shall be forwarded to the City Council, together with the plat and data as applicable.
- f. If the Planning Commission approves the final plat, the chairman and the secretary shall sign the same when the recordable copies are presented for signatures.

(2) *Submittal to the City Council.*

- a. Upon the decision of approval or denial by the Planning Commission, or in the event the Planning Commission shall fail to act within the time required above, the final plat shall come before the City Council for review.
- b. The Council may hold such public hearings on the final plat as it shall determine, and upon such, notice shall be provided.
- c. If the Council is not satisfied with the final plat as presented, it may deny the same, set forth such conditions and requirements as it shall require to be fulfilled before the same is approved, or refer the same to the Planning Commission for such further action as it shall determine. Upon such referral, the Planning Commission shall act thereon at the next meeting and report back to the Council no later than thirty (30) days after the said action of the City Council, unless an earlier report is required for the City to satisfy the applicable time limit for final action on the final plat application, in which case the date by which such report is required shall be communicated to the Commission in the referral.
- d. If the Council shall determine to approve the plat, it may do so by motion and the decision shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other open spaces dedicated for public purposes. If the Council denies the plat, it shall do so by written resolution setting forth the basis for the denial.
- e. If the Council shall determine to approve the plat notwithstanding disapproval of the same by the Planning Commission, it shall make such decision in conformity with the requirements of the City Charter for overruling the Planning Commission and such action shall be endorsed on the plat over the signature of the City Clerk.

- f. The action of the City Council finally determining the matter shall be communicated by the Zoning Administrator to the subdivider, and if the plat be denied, a copy of the resolution denying the plat stating the reasons given by the Council for such denial shall be provided.
- g. If the City Council approves the final plat, the Mayor and the City Clerk shall sign the same once the recordable copies are presented for signatures.
- h. A paper copy of the Final Plat shall be supplied by the subdivider to the County for review prior to printing recordable copies of the plat.
- i. If the final plat is approved by the City Council, or by act of law, the applicant shall record it with the County Recorder within one hundred eighty (180) days from final plat approval by the City Council, unless a time extension has been granted by the City Council following written application thereof by the subdivider made to the City at least thirty (30) days prior to the date of expiration. The subdivider shall provide the City with a copy of the plat showing evidence of recording. Failure to record the final plat within the one hundred eighty (180) day period shall render final plat approval by the City Council null and void, unless the City Council has granted an extension of time in which the final plat shall be recorded as provided in this paragraph. In the event that a final plat is not timely recorded, a new plat application and process shall thereafter be required. No changes, erasures, modifications or revisions shall be made in any final plat after approval is given by the City Council and signing of the final plat by the Mayor and applicable City representatives.

Sec. 14-107. – Data Required for Preliminary Plats.

- (a) *Filing.* The owner or subdivider shall prepare and submit a preliminary plat, together with an application supplied by the Zoning Administrator, applicable fees, and such other information as the Zoning Administrator shall require to review the proposed application. Eight (8) small (11” x 17”) and one (1) digital copy of a preliminary plat for any proposed minor subdivision or three (3) large (22” x 34”), five (5) small (11” x 17”), and one (1) digital copy of a preliminary plat for any proposed major subdivision shall be filed with the Zoning Administrator. Every preliminary plat shall contain the required data set forth in this section.
- (b) *Identification and Description.* The following data regarding identification and description of the subdivision shall be provided:

- (1) Proposed name of subdivision, which name shall not duplicate or too closely approximate the name of any plat recorded in the County.
 - (2) Location by section, township and range or by other legal description and a survey prepared and certified by a surveyor registered in the state of Minnesota.
 - (3) Names and addresses of the owner and subdivider having control of the lands included in the minor or major subdivision, the designer of the plat, and the surveyor.
 - (4) Graphic scale, not less than one inch to one hundred feet.
 - (5) North point.
 - (6) Date of preparation.
- (c) *Existing Conditions.* The following data regarding existing conditions shall be provided on the preliminary plat:
- (1) Boundary line survey, including measured distances and angles, certified by a licensed surveyor.
 - (2) Total acreage in the subdivision computed to one hundredth of an acre.
 - (3) Location, widths, and names of existing or platted streets or other public ways, parks, and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of one hundred feet beyond the tract.
 - (4) If the proposed subdivision is a re-arrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.
 - (5) For major subdivisions only, the location and size of existing paved streets, railroads, sewers, water mains, quarried gravel pits, culverts, or other underground facilities within the tract. Also such data as grades, invert elevations and location of catch basins, manholes and hydrants.
 - (6) Boundary lines of adjoining platted or unplatted land within one hundred feet of the tract.
 - (7) Topography at contour intervals not greater than two feet, water courses, marshes, rock outcrops, Ordinary High Water level (OHW) on water bodies that the DNR has determined an elevation, and other significant features superimposed on the preliminary plat.

- (8) Any additional information as requested by the Zoning Administrator.
- (d) *Proposed Development Design.* The following data regarding proposed development design features of the subdivision shall be provided:
- (1) For major subdivisions only, the layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street similar to or heretofore used in the City of Willmar shall not be permitted unless the proposed street is an extension of an already named street in which even the names all be used. All street names shall be subject to the approval of the Planning Commission.
 - (2) Locations and widths of alleys, pedestrian ways, and utility and drainage easements.
 - (3) For major subdivisions only, the proposed center line grades of all new streets, and alleys, if any. A complete set of profiles showing both existing and proposed grade lines shall be provided if deemed necessary by the City Engineer.
 - (4) Layout, numbers, approximate dimensions, and size of lots and the number of each block, all of which shall be clearly shown.
 - (5) Layout of building envelopes for lots.
 - (6) Location and size of the proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
 - (7) A vicinity sketch to show the relation of the plat to its surroundings.
 - (8) Any additional information as requested by the Zoning Administrator.

Sec. 14-108. – Data Required for Final Plats.

- (a) *Filing.* The owner or subdivider shall submit a final plat to the Zoning Administrator together with any other information as the Zoning Administrator shall require to review the proposed final plat. Three (3) large (22” x 34”), one (1) small (11” x 17”), and one (1) digital copy of the final plat for any proposed major subdivision or one (1) digital copy of the proposed minor subdivision or consolidated major subdivision shall be filed with the Zoning Administrator. Every final plat shall contain the required data set forth in this section.
- (b) *Required Data.* The final plat shall contain the following:

- (1) The final plat prepared for recording purposes shall be prepared in accordance with provisions of Minnesota State Statutes and applicable municipal ordinances.
 - (2) Name of subdivision, which shall not duplicate or too closely approximate the name of any plat recorded in the County.
 - (3) Location by section, township, range, county and state, and including descriptive boundaries of the subdivision.
 - (4) The location of existing and placed monuments installed after the completion of site grading shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments, including true angles and distances to such reference points or monuments. Permanent plat monuments shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. Plat monuments shall be durable magnetic markers. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted.
 - (5) Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
 - (6) Lots and blocks shall be numbered clearly.
 - (7) The exact locations, widths, and names of all streets to be dedicated.
 - (8) Location and width of all easements to be dedicated.
 - (9) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
 - (10) Name and address of developer and surveyor making the plat.
 - (11) Graphic scale on plat (“Scale in Feet”), date and north point.
 - (12) Statement dedicating all easements.
 - (13) Statement dedicating all streets, alleys and other public areas not previously dedicated.
- (c) *Required Certification.*
- (1) Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and streets/easements not heretofore dedicated to public use are hereby so dedicated.

- (2) Notarized certification by registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
- (3) Certification showing that all taxes and special assessments due on the property have been paid in full.
- (4) Space for certificates of approval to be filled in by the signatures of the Chairman and Secretary of the Planning Commission, the Mayor, City Clerk, and City Engineer. The form of approval by the Planning Commission is as follows:

Approved by the Planning Commission of the City of Willmar this day of, 20.....
 Signed:
Chairman
 Attest:
Secretary

The form of approval by the City Council is as follows:

Approved by the City of Willmar, Minnesota thisday of, 20.....
 Signed:
Mayor
 Attest:
City Clerk

The form of approval by the City Engineer is as follows:

Approved by the City Engineer, City of Willmar, Minnesota thisday of, 20.....
 Signed:
City Engineer

- (5) The form for approval by County Authorities as required.

(d) *Supplementary Documents and Information.*

- (1) If the infrastructure within a new subdivision is being constructed privately, a complete set of construction plans for roadways, watermains, sewer mains, storm drainage facilities, and over lot drainage for all right-of-ways to be dedicated to the City shall be submitted to and approved by the City prior to development.
- (2) One (1) permanent bench mark shall be installed and established on the property for each twenty (20) acres of development or fraction thereof. The onsite bench mark shall be a durable metal monument, referenced to existing MnDOT Geodetic control

network monuments and on the North American Vertical Datum of 1988 (NAVD 88).

- (3) Copies of restrictive covenants, easements, and declarations affecting the subdivision or any part thereof.
- (4) An executed Developers Agreement, where applicable.

Secs. 14-109—14-111. - Reserved.

DIVISION 3. – REQUIREMENTS

Sec. 14-112. – Design Standards.

(a) *Blocks.*

- (1) Block length. In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets.
 - a. Where no existing plats control, the blocks in residential subdivision shall normally not exceed seven hundred (700) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than five hundred (500) feet, pedestrian ways and/or easements through the block may be required. The width and location of such pedestrian ways shall be subject to the approval of the City Engineer and the Planning Commission.
 - b. Blocks for business or industrial use should normally not exceed eight hundred (800) feet in length.
- (2) Block width. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(b) *Streets and Alleys.*

- (1) The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the Willmar Comprehensive Plan. Except for cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed use of the area to be served.

- (2) Minor streets should be ~~so~~ planned as to discourage their use by non-local traffic. Dead end streets are prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred (500) feet, including a terminal turn-around which shall be provided at the closed end, with an outside curb radius of at least forty (40) feet and a right of way radius of not less than fifty (50) feet.
- (3) Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider, and it shall be at the same scale as set forth herein.
- (4) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate subdividing, with provision for adequate utility connections for such subdividing.
- (5) Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs shall be a minimum of one hundred fifty (150) feet apart, and shall not be permitted without the express approval of the City Engineer.
- (6) Wherever the proposed subdivision contains or is adjacent to the right of way of a limited access highway or thoroughfare, provision may be made for a marginal access street (frontage) approximately parallel and adjacent to the boundary of such right of way, or for a street at a distance suitable for the appropriate use of land between such street and right of way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations or lot depths.
- (7) Alleys should be provided in commercial and industrial districts, except that this provision may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Except where justified as special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than twenty (20) feet wide. Dead end alleys shall not be permitted.

- (8) Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (9) For all public ways hereafter dedicated and accepted, the minimum right of way widths for streets, and thoroughfares shall be as shown in the Comprehensive Plan for Willmar and where not shown therein, the minimum right of way width for streets, thoroughfares, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

	<u>Right-of-Way Width</u>	<u>Curb-to-Curb Street Width</u>
Primary Thoroughfare	100 feet	64 feet
Secondary Thoroughfare	80 feet	48 feet
Collector Street	70 feet	40 feet
Minor Street	70 feet	40 feet
Minor Street, One Side Parking	60 feet	32 feet
Frontage Street	50 feet	---
Alley	15 feet	---
Pedestrian Way	10 feet	---

Where existing or anticipated traffic on Primary and Secondary Thoroughfares warrants greater width of rights of way, these shall be required at the discretion of the City Engineer.

- (10) *Street grades.* The grades in all streets, thoroughfares, collector streets, minor streets, and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Primary Thoroughfare	5 per cent
Secondary Thoroughfare	5 per cent
Collector Street	6 per cent
Minor Street	8 per cent
Alley	8 per cent

There shall be a minimum grade on all streets and thoroughfares of not less than four tenths (4/10) of one (1) per cent. There shall be a minimum crown on all streets and thoroughfares of not less than one and one half (1 ½) per cent.

- (11) *Street alignment.* The horizontal and vertical alignment standards on all continuous streets shall be as follows:
 - a. Horizontal. Radii of center line:

Major Thoroughfare	500 feet-minimum
Secondary Thoroughfare	500 feet-minimum
Collector Street	250 feet-minimum
Minor Street	150 feet-minimum

There shall be a tangent between all reverse curves of a length in relation to the radii of all curves so as to provide for a smooth flow of traffic.

b. Vertical. All changes in street grades shall be connected by vertical parabolic curves of such length as follows:

Primary Thoroughfare or Secondary Thoroughfare	30 times the algebraic difference in the percent of grade of the two adjacent slopes.
Collector Street or Minor Street	20 times the algebraic difference in the percent of grade of the two adjacent slopes.

(12) All proposed streets shall be offered for dedication as public streets. However, private streets may be permitted in PUDs.

(c) *Lots.*

- (1) The minimum lot area, width and depth shall not be less than that established by the Zoning Ordinance of Willmar.
- (2) Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as defined in the Zoning Ordinance of Willmar.
- (3) Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- (4) Double frontage lots shall not be permitted except where lots back on a thoroughfare or other arterial street, or where topographic or other conditions render subdividing impractical in which case vehicular and pedestrian access between the lots and arterial streets shall be prohibited. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.
- (5) Every lot must have at least the minimum required frontage as per Zoning Ordinance on a public dedicated street other than an alley.

(d) *Easements.*

- (1) An easement for utilities, at least six (6) feet wide shall be provided along each side of any lot line as may be deemed necessary to form a continuous right of way, at least twelve (12) feet in width. If necessary for the extension of water main or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

- (2) Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be by resolution pursuant to the provisions of the City Charter respecting the vacation of streets and public grounds.
- (3) Additional easements for pole guys should be provided at the outside turns. Where possible lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.
- (4) Where a subdivision is traversed by a water course, drainage way, channel, or stream, a storm sewer easement, drainage right of way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as will be adequate for the stormwater drainage of the area. The width of such easements shall be determined by the Planning Commission.
- (5) A five (5) foot tree planting easement shall be required contiguous to all public streets and avenues.

Sec. 14-113. – Park Dedication.

- (a) *General.* The City finds the preservation and development of parks and open space areas essential to the health and general welfare of the community. Parks are a major asset to residents and persons employed in Willmar, and the following provision allows for further growth, orderly development, and enhancement of the park system, pursuant to the City of Willmar Comprehensive Plan and the Willmar Parks and Recreation Master Plan. Prior to subdivision approval, the subdivider shall dedicate land for parks, playgrounds, conservation, or public open spaces and/or shall make a cash contribution to the City's Park Dedication Fund as set forth in this section. All land intended for public use as indicated in the Willmar Comprehensive Plan that lies partially or completely within a proposed subdivision shall be dedicated to the appropriate governmental unit in addition to the requirements of this section, except where the Planning Commission deems an alternate site within the plat to be similarly suitable.
- (b) *Application.* All new subdivisions within the jurisdiction of this Ordinance shall be required to comply with park dedication requirements as herein described. In the case of a replat where a park dedication and/or cash contribution has been made on previously subdivided lots, and said lots are more than 70% of the area being replatted, no dedication or cash contribution shall be required.
- (c) *Alterations.* The City may alter Park Dedication requirements in the following scenarios:

- (1) A subdivision in the Central Business District where the development or redevelopment is of greater vitality and benefit to the City in comparison to park, playground, conservation, and open space improvements.
 - (2) A subdivision that allows for the development of affordable housing that is of greater benefit to the City in comparison to park, playground, conservation, and open space improvements.
 - (3) A subdivision that significantly increases tax revenue or employment opportunity that is of greater benefit to the City in comparison to park, playground, conservation, and open space improvements.
 - (4) A subdivision that is largely city-assisted development, achieving public objectives.
- (d) *Land Dedication Required.* In all applicable subdivisions, a percentage of net developable land of all property to be subdivided, where a land dedication and/or cash contribution has not been made, shall be dedicated as follows:
- (1) Residential subdivision (minimum) – 7%
 - (2) Commercial subdivision (minimum) – 4%
 - (3) Industrial subdivision (minimum) – 4%
 - (4) Other subdivision (minimum) – 7%
- Land dedication and/or cash contributions for mixed-use Planned Unit Developments shall be calculated in accordance with the percentage of land devoted to each use. Net developable land shall be calculated by gross acreage of all land in the proposed subdivision excluding wetlands and areas required for stormwater ponding, public streets, rights-of-way, and trails. All calculations shall be made at the time of final plat approval.
- (e) *Credit.* The following credits towards park dedication shall be considered when applicable:
- (1) Where a subdivision includes private open space intended for park and recreation use for all people within the subdivision and such land is to be privately owned and maintained, a credit towards the required land dedication and/or cash contribution may be approved by the City of up to 25%.
 - (2) Where prior park land dedication and/or cash contribution has been given for land within a proposed subdivision, credit equivalent to the full amount dedicated and/or contributed shall be given.
 - (3) In no case shall park land dedication credits result in a refund.
- (f) *Land Suitability.* All land dedicated for parks, playgrounds, conservation, or public open spaces shall be suitable for its intended use and shall be at a

convenient location for the intended users. In the evaluation of adequacy of proposed park, playground, conservation, or open space areas, the City shall consider factors including size, shape, topography, geology, hydrology, tree cover, access, and location.

- (g) *Payment Requirements.* The City may elect to accept a cash payment in lieu of a land dedication or any combination thereof equivalent to the land dedication requirements. In such case, the subdivider shall be required to make such payment to the City's dedicated Park Dedication Fund based on the estimated market value, as determined by the County Assessor, of unplatted land in the area for which park fees have not been paid and that is to be served with City sanitary sewer and water service, in an amount equivalent to the land dedication requirements. Cash payments contributed to this fund shall be used for the acquisition and improvement of land for parks, playgrounds, conservation, or other open space areas as provided by Minnesota State statute. No funds shall be used for ongoing operation or maintenance of existing parks or recreational facilities or sites. All cash contributions shall be calculated and paid at final plat approval.

The City may approve a delay in the payment of cash contributions for any plat with park fees of more than two thousand five hundred dollars (\$2,500) if an agreement is executed guaranteeing such payment as follows:

- (1) Plats with park fees of two thousand five hundred one dollars (\$2,501) to seven thousand five hundred dollars (\$7,500) shall pay at least one-third (1/3) of the fee at final plat approval, one-half (1/2) of the balance not later than six (6) months from the date of final plat approval, and the balance not later than twelve (12) months from the date of final plat approval. No interest shall be charged during the twelve (12) months.
 - (2) Plats with park fees of over seven thousand five hundred one dollars (\$7,501) shall pay at least one-third (1/3) of the fee at final plat approval, one-half (1/2) of the balance not later than twelve (12) months from the date of final plat approval, and the balance not later than twenty-four (24) months from the date of final plat approval. No interest shall be charged during the twenty-four (24) months.
- (h) *Improvements and Infrastructure.* Land dedicated for public use shall be designated as an outlot on the plat. The subdivider shall be responsible for grading the land to the contours approved on the preliminary plat and the land shall be left in condition suitable for the City. Improvements shall be made to all land dedicated for parks and open space in the same degree and manor as is required for developable property in section 14-114 of this Ordinance. All existing trees shall be preserved on land to be dedicated.

Sec. 14-114. – Basic Improvements.

(a) *General.*

(1) *Approval.*

- a. Before a final plat may be approved by the City Council, the owner shall execute and submit to the Council an agreement, which shall be binding on the owner (or their) heirs, personal representatives and assigns. The agreement shall state that the owner shall cause no private construction on said land, except with approval of the City Engineer, until all the improvements required under this Ordinance have been petitioned for, arranged for, and have been constructed.
- b. A certified copy of the plat restrictions shall be filed with the Clerk and County Recorder, which shall include a provision that in all instruments of sale or conveyance given before all street improvements have been made, the consignee shall agree to and approve such improvements and the assessment of their costs.

(2) *Financing by Developer.* The City Council shall require the Developer to finance and pay for any and all public improvements. The owner or subdivider shall deposit with the City Clerk an amount equal to thirty (30) percent of the City Engineer's estimated cost of any or all such improvements which are to be financed by the Developer, either in cash or an irrevocable letter of credit in a form satisfactory to the City, conditioned upon the payment of all construction costs incurred by the City in making of such improvements and all expense incurred by the City engineering and legal fees and other expense in connection with the making of such improvements.

(b) *Improvements.* The following improvements shall be constructed as provided for in this section. Programming of improvements shall be approved by the City Engineer.

(1) *Obligation of City.* The City of Willmar will construct, furnish, and install at City expense, the following improvements according to City specifications. Furnishing these improvements shall be commensurate with available City funds for such work and according to programs and priorities as established by the City Council.

- a. Signs: Street name signs and traffic control signs shall be installed by the City.
- b. Trees: Boulevard trees shall be installed by the City, after curb and gutter have been constructed.

- (2) *Obligation of Developer.* The Developer shall pay for the following improvements on or for his/her subdivision or development. Financing shall be according to section 14-114(a)(2).
- a. **Street Lighting:** Street Lighting shall be constructed by the City, preferably after curb and gutter have been installed.
 - b. **Site Grading:** Necessary site grading shall be accomplished by the Subdivider, prior to installation of improvements.
 - c. **Street Grading:** Street grading for the full width of right-of-way shall be accomplished by the Subdivider. If no site grading is to be accomplished, the street grading will be included with subsequent street improvements. Street to subgrade shall precede any underground work, whether by the City, or any private utility.
 - d. **Permanent Street Improvements:** Permanent Street improvements including base, curb and gutter, boulevard sod, inlets and leads, and paving, according to Standard City Specifications or as approved by the City Engineer, shall be constructed. All required underground work shall have preceded any permanent street improvements. Additional width of street or load design required on a residential street will be borne by the City. Any improvements on a County Road shall be approved by the County Engineer. Temporary construction may, at the discretion of the City Engineer, be required, for just cause, on any street, streets, or portion thereof. Reconstruction or alteration in any way of existing streets affected by the plat or improvements thereupon shall be to the approval of the City Engineer. All costs therein incurred, for either temporary access or reconstruction shall be borne by the Owner or Subdivider. Half streets, if accepted, shall be improved as directed by the City Engineer.
 - e. **Storm Sewer:** Storm sewer mains will be constructed by the City as funds are available. Connection shall be made at the boundary of the subdivision, if available, or to some other approved discharge outlet. The developer shall secure or provide the necessary easements or discharge permits. This requirement shall not prevent the City from acquiring necessary easements by eminent domain. Any costs for such easements shall be borne by the Developer.
 - f. **Sanitary Sewer:** Where City sewer is, or will be, available at the boundary of the Subdivision, sanitary sewer infrastructure shall be constructed within the subdivision according to City specifications. Main sizings shall be by the City Engineer with the minimum size of mains being eight (8) inches. The cost of any required pumping stations, deemed necessary by the

Engineer, shall be assessed against the benefited property. Any increase in pipe sizes necessitated for trunk lines shall be paid for by the City. Where it is neither practical nor economical for the City to extend City sewer, private sewage disposal facilities may be constructed, according to City and state regulations. Consideration shall be given to future availability of City sewer in such installations. Such information shall be recorded on the plat and in each deed so affected.

- g. Water Main: Where City water is, or will be, available at the boundary of the subdivision, water infrastructure shall be constructed within the subdivision according to City specifications. Main sizings shall be by the City Engineer with the minimum size of mains being eight (8) inches. All required hydrants and valves are to be included in the construction. Any increase in pipe size necessitated for trunk lines shall be paid for by the City. Where it is neither practical nor economical for the City to extend City water, private water supplies may be constructed, according to City and state regulations.

Sec. 14-115. – Registered Land Surveys and Conveyance by Metes and Bounds.

- (a) *Registered Land Surveys.* All registered land surveys effecting a division of property to which this Ordinance applies shall be presented to the Planning Commission in the form of a minor subdivision or preliminary plat in accordance with the standards set forth in this Ordinance. In the case a division of land is exempted from this process, a Certificate of Survey shall be required as found in section 14-102(c).
- (b) *Conveyance by Metes and Bounds.* It is the stated purpose and the public policy of the Council to discourage the use of metes and bounds descriptions. The tendency for error, difficulties in preparing numerous documents using long descriptions, and the desire for efficient and accurate keeping of records of the city all require the adherence to this policy. To that end that the following shall be required:
 - (1) If the owner of a parcel of land described by metes and bounds requests a division of assessments on said parcel, the owner shall furnish a plat that meets the requirements of a major or minor subdivision as stated in this Ordinance.
 - (2) As a condition to the connecting of any metes and bounds parcel to sewer or water, such parcel shall be platted.

Secs. 14-116—14-118. - Reserved.

DIVISION 4. – ADMINISTRATION AND ENFORCEMENT

Sec. 14-119. – Variances.

- (a) *General Conditions.* The Planning Commission may vary from the provisions of this Ordinance when, in its opinion, an unusual hardship on the land would result from strict adherence to the requirements of this Ordinance. In granting any variance, the Commission may impose conditions that it deems necessary to or desirable for the public interest in relation to the variance. In making its findings, as required herein below, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Commission finds:
- (1) That there are unusual circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land;
 - (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
 - (3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
- (b) *Applications Required.* Applications for any such variance shall be submitted in writing to the Zoning Administrator by the subdivider at the time when the subdivision is filed for consideration by the Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

Sec. 14-120. – Compliance.

No building permit shall be issued by the City of Willmar with respect to the land or to any lot in a subdivision, as defined herein, until the subdivider shall have recorded the plat with the County Recorder or a metes and bounds split is recognized by the County Assessor.

Sec. 14-121. – Violations and Penalty.

- (a) *Sale of Lots from Unrecorded Plats.* It shall be unlawful to sell, trade, or otherwise convey or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or portion of the City unless said plan, plat, or replat shall have first been recorded with the County Recorder.

- (b) *Misrepresentations as to Construction, Supervision, or Inspection of Improvements.* It shall be unlawful for any person, firm, or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys, or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.
- (c) *Penalty.* Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each month during which compliance is delayed shall constitute a separate offense.
- (d) *Injunctions.* The City of Willmar, by its governing body, may, in addition to resorting to the penalty provisions hereinabove set forth, apply to the district court for such restraining orders and injunctions as may be permitted by law.

Sec. 14-122. – Schedule of Fees and Charges.

The following fees are adopted for services provided by City Staff in the subdivision process as found in this Ordinance:

- (a) Certificate of Survey Staff Review \$25
- (b) Minor Subdivision \$200
- (c) Consolidated Major Subdivision \$350 + \$15/lot
- (d) Major Subdivision \$450 + \$20/lot

In addition, the subdivider shall be billed for any costs incurred in the platting review process, such as extra consultant work, not covered by the above fees.

Section 3. REPEAL OF ORDINANCE NO. 2.023. City of Willmar Ordinance No. 2.023, “Subdivision Ordinance of the City of Willmar”, shall be repealed in its entirety.

Section 4. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: Fagerlie

This Ordinance introduced on: August 20, 2018

This Ordinance published on: August 27, 2018

This Ordinance given a hearing on: September 4, 2018

This Ordinance adopted on: September 4, 2018

This Ordinance published on: September 8, 2018