

ORDINANCE 152

SUBDIVISION ORDINANCE FOR THE CITY OF BIRD ISLAND

ARTICLE I

General Provisions

Section 10.00 TITLE. This ordinance shall be known and may be cited as the “Subdivision Ordinance for the city of Bird Island, Minnesota” and its provisions shall apply to all lands to be subdivided within the municipal limits as they exist on the date the municipality adopts this ordinance, or within the limits as they may be extended in the future. Hereafter, this ordinance shall be referred to as the “Subdivision Ordinance”.

Section 11.00 PURPOSE. Any person platting, replatting or dividing property for purposes of transfer of title or separate description shall do so under the provisions of this ordinance. The Subdivision Ordinance sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically, the provisions of this ordinance are designed to:

- a. Assure that to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence.
- b. Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters.
- c. Encourage well-planned subdivisions through the establishment of adequate design standards.
- d. Discourage inferior developments that might adversely affect the local tax base.
- e. Create neighborhoods which will be of lasting credit to the community.
- f. Facilitate adequate provisions for transportation and other public facilities.
- g. Secure the rights of the public with respect to public lands and waters.
- h. Improve land records by the establishment of standards for surveys and plats.
- i. Safeguard the interests of the public, the home owner, the subdivider and units of local government.
- j. Provide a common ground for understanding between developers and local units of government.
- k. Assure the availability of utilities adjacent to planned development.
- l. Prevent, where possible, excessive governmental operating and maintenance costs.

Section 12.00 LEGAL AUTHORITY. This ordinance is enacted pursuant to section 462.358, Laws of Minnesota, 1959 as amended.

Section 13.00 ADMINISTRATION. The Subdivision Ordinance shall be administered by the City Council.

ARTICLE II

Definitions

Section 20.00 BLOCK. Any combination of land ownership bounded by streets, roads or highways or a combination thereof or by a combination of streets, roads or highways and public parks, cemeteries, railroad right-of-ways, stream, lakes or similar manmade or natural physical barriers.

Section 20.01 BUILDABLE AREA. That part of the lot not included within the open areas required by the Zoning Ordinance, or other official controls.

Section 20.02 COMPREHANSIVE DEVELOPMENT PLAN (MASTER PLAN). “Comprehensive municipal plan” means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs and may include, but is not limited to the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution. A comprehensive plan represents the City Council’s recommendations for the future development of the municipality.

Section 20.03 CROSS WALKWAY. A right-of-way or easement dedicated to public use, ten feet or more in width, which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.

Section 20.04 CUL-DE-SAC (COURT). A short street having one end open to traffic and being permanently terminated by a circular turn-around for vehicles.

Section 20.05 EASEMENT. A grant by the property owner of the use of a designated portion of land by the public, individuals, groups or corporations for specific purposes.

Section 20.06 FINAL PLAT. The final plat shall mean all required maps, information and documents as set forth in the subdivision regulations and as required by the City Council.

Section 20.07 GENERAL DEVELOPMENT PLAN. The general development plan shall mean a map showing property boundaries with a proposed street layout and desirable lot layouts.

Section 20.08 LOT. A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

Section 20.09 MONUMENT. Concrete and/or metal markers utilized to establish survey points and lot boundaries.

Section 20.10 OFFICIAL MAP. A map of the municipality and/or any portion thereof lying within the incorporated limits, which shows the exact alignment, gradients, dimensions and other pertinent data for highways and major streets and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities.

Section 20.11 OPEN SPACE. An area of land preserved from building development and reserved for the use of general public or a home owners association for the purpose of active and passive recreation and certain necessary community facilities.

Section 20.12 PARKS. Area of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, play fields and special purpose areas.

Section 20.13 PERSON. Except when otherwise indicated by the context, the word person shall include the plural, or a company, firm, corporation or partnership.

Section 20.14 PRELIMINARY PLAT. The preliminary plat shall mean all required maps, information and documents as set forth in the subdivision regulations and as required by the City Council.

Section 20.15 RESUBDIVISION. A change in a recorded subdivision if such change affects any street layout, affects any area reserved for public use or diminishes the size of any lot.

Section 20.16 REVIEWING AGENCIES. Reviewing Agencies may include, but are not limited to, the municipal engineer, school board, utility companies, park board, county surveyor, U.S. Department of Agriculture Soil Conservation Service.

Section 20.17 STREETS & ALLEYS

- a. RIGHT-OF-WAY (ROW): The entire area lying between the boundaries establishing the dedicated width.
- b. ROADWAY: That portion of a street or alley surfaced for vehicular travel.
- c. HIGHWAYS: Routes carrying large volumes of relatively fast-moving traffic and are designated as either county, county state aid, federal or state highways.
- d. MAJOR STREETS: Arterials carrying large volumes of local traffic between widely separated areas of the community.
- e. COLLECTOR STREETS: Streets which carry traffic from minor streets to major streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within such developments.
- f. LOCAL STREETS: Streets which are used principally for access to abutting properties, especially residential properties.
- g. SERVICE ACCESS STREETS: Traffic ways which are adjacent and parallel to highways or major streets and provide access to abutting properties.
- h. ALLEYS: Minor traffic ways affording a secondary means of access to abutting properties which are not intended for general traffic circulation.

Section 20.18 SUBDIVIDER. A person, persons, or corporation responsible for initiating a subdivision proposal whether owners in fee simple or less than fee simple of the land proposed for subdividing.

Section 20.19 SUBDIVISION. The division of a parcel or tract of land into one (1) or more lots or parcels by the owner thereof, or his agent, for the purpose of transfer of ownership or building development. This term shall include resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to land subdivided.

Section 20.20 VARIANCE. Any departure from the requirements of these regulations that is granted by the appropriate governmental agency.

Procedures for Submission of Plats

Section 30.00 GENERAL DEVELOPMENT PLAN. The general development plan shall be a scale drawing at any reasonable scale. Basically it shall establish the desired street pattern and general lot layout together with a land use plan. This plan need not be drawn by a registered surveyor or engineer.

Section 31.00 PREPLAT INVESTIGATION. A sub divider shall submit six (6) copies of a general development plan to the city clerk at least (10) days before the next regularly scheduled meeting of the City Council.

Section 31.01. Within fourteen (14) days following the same regularly scheduled meeting the City Council shall inform the sub divider, in writing, that the plan as submitted or as modified does or does not meet the objectives of this ordinance except that action may be tabled for 45 days pending further investigation.

Section 31.02. Specifications for General Development Plan are as follows:

- a. scale and north point
- b. proposed subdivision name
- c. name and address of property owner
- d. name and address of sub divider
- e. zoning classification of and proposed and adjacent lands
- f. names of existing streets
- g. general street design
- h. general lot layout
- i. current and proposed use of land and natural features such as wood areas and water bodies and courses.
- j. estimated cost of public utilities for the Development

Section 32.00. PRELIMINARY PLAT. Upon completing the preplat investigation, the sub divider shall prepare a preliminary plat together with improvement plans and other supplemental material as may be specified by the City Council and its reviewing agencies. The plat must be drawn by a registered surveyor.

Section 32.01. The preliminary plat shall be drawn on suitable tracing paper or other material of suitable quality with black waterproof ink or indelible pencil at a scale not greater than one hundred (100) feet equals one (1) inch unless another suitable scale is approved by the City Council. (Example: one (1) inch equals two hundred (200) feet would be unacceptable.)

Section 32.02. Six (6) copies of the preliminary plat and supplementary material shall be submitted to the city clerk at least ten (10) days before the City Council's next regularly scheduled meeting. The City Council shall send copies to the appropriate reviewing agencies (i.e., county surveyor, utility companies,

engineer, township, county planning commission, Department of Natural Resources, etc.) which shall review and submit written comments and recommendations before the next regular meeting of the City Council.

Section 32.03. Following review of the preliminary plat and supplementary materials submitted for conformity thereof to this ordinance, and negotiations with the sub divider on changes deemed advisable and the kind and extent of improvements made by him, the City Council shall, within forty-five (45) days, act thereon as submitted or modified and, if approved, the City Council shall express its approval and state the conditions of approval, if any, or if disapproved, shall express its disapproval and its reasons therefore. Any plan given conditional approval shall be revised to meet the requirements of conditions and six (6) copies shall be resubmitted.

Section 32.04. The action of the City Council shall be noted on three (3) copies of the approved preliminary plat, referenced and attached to any conditions determined. One (1) shall be returned to the surveyor.

Section 32.05. Approval of a preliminary plat shall not constitute approval of the final plat. Approval of a preliminary plat is hereby limited to a period of twelve (12) months, after which time the subdivided is required to resubmit a preliminary plat to give the City Council an opportunity to assess any changes in the general area or any regulation, ordinance or statute changes that may be applicable.

Section 32.06. Specifications for Preliminary Plat are as follows:

- a. date, scale, north point
- b. proposed subdivision name and all intended street names according to the municipality's street naming and numbering system
- c. name of the sub divider, surveyor and engineer preparing plat
- d. topographic map of the area showing two (2) foot contour intervals or spot elevations. All areas of the subdivision to be platted with a slope greater than twenty-five (25) percent must be clearly indicated
- e. location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land
- f. zoning classification and proposed use of lands to be subdivided and all adjacent lands
- g. location, widths and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, front, side and rear yard dimensions for all permanent buildings and structures.
- h. location, size and depth of all sanitary sewer, storm sewers and water mains and existing location of all water hydrants, water mains and catch basins
- i. other data within three-hundred (300) feet of the exterior boundaries of the area being subdivided as may be required by the City Council.
- j. the layout and width of all new streets, rights-of-way and easements and the approximate angles of street intersections
- k. length and bearings of the exterior boundaries of the land being subdivided

- l. dimensions of all lots to the nearest foot
- m. square footage of all lots
- n. all lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and numbering shall not be continued from one plat into another and one lot plats should have both a lot a block number.
- o. approximate radii of all curves and lengths of all tangents
- p. approximate location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of such dedication or reservation

Section 32.07. Such other information as the city council may determine is necessary.

Section 33.00. FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved and, if desired by the sub divider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at this time; provided, however, that such portion conforms to all requirements of this ordinance.

Section 33.01. Application for approval of the final plat shall be submitted in writing to the city council at least ten (10) days prior to the meeting at which it is to be considered.

Section 33.02. Four (4) copies of the final plat and other supplemental data required for approval shall be prepared and submitted to the City Council within twelve (12) months after approval of a preliminary plat. These four (4) copies shall be paper prints and are not required to be signed per Section 33.03, items p, q, r, s, and t. However, the map to be filed must contain the signature of the authorized representatives of the applicable governmental agencies.

Section 33.03. Specifications for final plat are as follows:

- a. date, scale, north point
- b. subdivision name and all street names
- c. location of the plat by quarter-quarter section, section, town and range
- d. location and names of adjacent subdivisions
- e. exact location, widths and names of all existing platted or dedicated streets, easements, railroad and utility rights-or-way, parks, water courses and drainage ditches within the boundaries of the land to be subdivided.
- f. exact location and width of all new streets, their angle of intersection, length or arcs, radii, points of curvature and tangent bearings
- g. exact location and width of all easements, and a statement of easement rights
- h. exact length of bearings or angles of the exterior boundaries of the land being subdivided

- i. exact dimensions of all lots
- j. all lots shall be numbered by beginning the numbering with the number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another. One lot plats shall have both a lot and block number.
- k. exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon – All lands dedicated for public use, other than streets, shall be marked “Dedicated to the Public”.
- l. accurate location and material of all permanent reference monuments including lot corners. (Monument size shall be an iron rod or stake at least ½” in diameter by 15” in length and set in concrete.)
- m. certificate of the registered land surveyor preparing the plat, that the plat as presented, fully complies with the requirements of this ordinance, and the platting laws of the State of Minnesota relative to the surveying, dividing and mapping of land; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by him and that all monuments indicated thereon exist and their location, size and material are correctly shown
- n. a certificate issued by the authorized county officials stating that there are no unpaid taxes of special assessments on any of the lands included in the plat
- o. a certificate by the owner or owners dedicating to the public for full public use all street and street rights-of-way and other lands designated as “Dedicated for the Public’s Use” and the granting of utility easements and shown on the plat
- p. a certificate of approval by the city council signed by the mayor and clerk
- q. the final plat prior to presentment to the council may be reviewed and endorsed as approved by the County Surveyor if appointed by the County Board of Commissioners
- r. the final plat upon its submission to the council shall be accompanied by a written title opinion by an attorney-at-law naming therein the fee owners and other persons or entities having legal or equitable interest in the real estate affected, that necessary parties have joined in the plat and that the title thereto is good and marketable
- s. that a final plat upon such approval by the council shall thereafter be forthwith tendered to the county recorded for its permanent entry upon the records of the county.

Section 33.04. The City Council may hold a public hearing on the final plat and advertise the purpose, time, date and place of the public hearing at least once in the official newspaper not less than ten (10) days before the day of the public hearing.

Section 33.05. The final plat for recording after approval by the City Council shall be drawn on muslin backed white paper, mylar or other suitable material with black waterproof ink. The final plat shall measure thirty (30) inches in length and twenty (20) inches in width with a border line of two (2) inches provided on the left side of the thirty (30) inch length and a border of one half (1/2) inch provided on the other

three (3) sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets, i.e., 2 of 3. The final plat shall be drawn to a scale not greater than one hundred (100) feet to the inch. (Example: one (1) inch equals two hundred (200) feet would be unacceptable).

Section 33.06. Street, sewer and water plans and profiles shall be drawn with black ink on standard highway plan and profile linen or a comparable substitute. Street plans and profiles shall be drawn to a scale not greater than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically, and shall show original and proposed centerline elevations, all curve data, street orientation, typical cross section for each street and surface drainage information in areas of cut or fill. Three copies of the street, sewer and water plan and profile shall be submitted with the final subdivision map.

Section 33.07. The final plat shall be recorded within twelve (12) months from the date of approval by the governing body. Failure to record within twelve months from the date of approval necessitates resubmitting the subdivision for approval by the City Council.

ARTICLE IV

Subdivision Design Standards

Section 40.00. GENERAL. The subdivision design standards contained in this ordinance are to assure that the style, character and form of new developments will conform to minimum requirements promoting the health, safety and general welfare of the public. In addition to these regulations and to insure the future developments are consistent with the growth objectives and goals of the community, subdivisions shall conform to the Comprehensive Development Plan of the municipality, or any part thereof, the zoning ordinance and any other applicable ordinances of the municipality.

Section 41.00. STREET DESIGN. The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation within the subdivision and from the subdivision to adjacent areas. Street arrangement, character, width, grade, location, sight distance and surface material shall be related to existing or planned streets, topography, convenience and safety, and their intended ultimate function.

Section 41.01. The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas; or conform to a plan approved by the City Council where topographic or other conditions make continuance or conformance to existing streets impracticable.

Section 41.02. Collector streets shall be properly related to major streets and designed in a manner so as to supplement the major street system, but not to serve in lieu thereof.

Section 41.03. Local Streets shall be designed to benefit from the topography, to discourage through traffic and to provide the minimum amount of streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear and cul-de-sac streets and allowed.

Section 41.04. Where a subdivision abuts upon, or contains an existing or proposed highway, major thoroughfare, or railroad right-of-way, the City Council may require reverse frontage lots with appropriate screen plantings on the non-access lot boundaries. Also, it may require the provision of suitable access roads parallel to and on either side of said highway, major thoroughfares, or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.

Section 41.05. Streets designed and laid out so as to have one end permanently closed shall not exceed five

hundred (500) feet in length, except where the City Council has approved additional length due to property limitations or large lot size.

Section 41.06. Turnarounds shall be provided at the permanently closed end of all streets and shall have a minimum turnaround radius of thirty-five (35) feet. The City Council may approve a “T” or “Y” type turnaround in lieu of the circular turnaround when unusual circumstances warrant such a variance.

Section 42.00. INTERSECTIONS. All streets shall intersect at right angles or as close thereto as possible. No street shall intersect another at an angle of less than seventy (70) degrees. More than two (2) streets intersecting at the same location shall be prohibited. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

Section 42.01. When the City Council finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall be rounded with a radius of fifteen (15) feet. The City Council may permit comparable cords in lieu of the rounded corners.

Section 43.00. ALLEYS. Alleys shall be required in all multi-family commercial and industrial districts, except that the City Council may waive this requirement where the commercial or industrial district is designed as a comprehensive unit and adequate provisions for service access, off-street loading and unloading areas and parking space is a part of the overall development plan.

Section 43.01. Dead-end alleys are prohibited except where natural or other features make it impossible to continue them. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end as determined by the City Council.

Section 43.02. Alleys shall not be required in one and two family residential areas unless a secondary means of access to certain property is necessary due to topography or other exceptional circumstances.

Section 44.00. EASEMENTS AND DEDICATIONS. Easements for public utilities may be required by the City Council. Where such easements are determined to be necessary they shall be provided along the rear and side lot lines and shall be twenty (20) feet in width with ten (10) feet of the easement on each adjacent property being subdivided. At the rear of isolated lots, the easement shall be fifteen (15) feet.

Section 44.01. Where a water course, drainage way channel or stream traverses a subdivision, there shall be provided a storm water easement for drainage right-of-way conforming substantially with the lines of such water course. If it is deemed advisable by the City Council, such water course or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be installed as directed by the City Engineer. A permit from the Department of Natural Resources is required when working in the beds of public waters—both basins and water courses.

Section 44.02. Upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the City Council may require the dedication or reservation of areas or sites suitable to the needs created by such development for schools, parks and other neighborhood purposes.

Section 45.00. BLOCKS.

Section 45.01. The length, width and shape of blocks shall be determined with due regard to the following:

- a. The provision of adequate building sites suitable to the particular needs of the type of use contemplated.

- b. zoning requirements as to lot size and dimensions
- c. needs for convenient access, circulation, control and safety or traffic
- d. limitations and opportunities afforded by topography and other natural features

Section 45.02. Block lengths shall not exceed eight hundred (800) feet, twelve hundred (1200) feet where walkways are provided, except where required or desirable due to natural features.

Section 46.00. WALKWAYS. Pedestrian walkways not less than ten (10) feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Section 47.00 LOTS. The size, width, shape and orientation of lots and the building setback line shall be appropriate for the type of development and use contemplated and should relate to natural features.

Section 47.01. Reserve strips controlling access to interior or adjacent property will not be allowed by private ownership.

Section 47.02. Parcel remnants smaller in area than allowed by zoning are not allowed and must be made part of another lot.

Section 47.03. No residential lot with a buildable area of less than fifty (50) feet wide and fourteen (14,000) thousand square feet will be allowed by variance by the City Council.

Section 47.04. Lot dimensions shall conform to the zoning ordinance.

Section 47.05. Side lot lines shall be as near to right angles or radial to street lines as possible without sacrificing desirable natural features.

Section 47.06. Every lot shall front on a public street, thus providing access for fire protection, utilities and other necessary services.

Section 47.07. Lots shall not be so excessive in depth that they block desirable access to adjacent property. The City Council may require dedication of land for future streets in excessively deep lots.

Section 48.00 CONSERVATION. Efforts shall be made to conserve natural resources and advantageously utilize all natural features and vegetation on the property to minimize soil erosion. Consideration will be given to eliminate any form of underground or surface water pollution.

ARTICLE V

Required Improvements

Section 50.00. GENERAL. The following improvements will be required for all new subdivisions within the corporate limits and to the specifications as adopted by the City Council.

- a. 100% of the cost of water mains and laterals to the lot line, except hydrants and valves
- b. 100% of the cost of sewer lines except manholes but including laterals to lot line

- c. Rough grading of roads plus gravel @ seven (7) yards per one-hundred (100) feet by twenty (20) feet wide (minimum of Class 4 gravel)

Section 51.00. MONUMENTS. Durable iron monuments shall be placed at all block and lot corners, all intermediate points on blocks where there is a change in the direction of the block line, at points of curves in streets, at each angle and curve points on the exterior boundary lines of the plat, and at such other points as may be required by the City Council. All monuments shall be an iron rod or stake and a minimum of one-half inch (1/2") in diameter and fifteen inches (15") in length and set in concrete. Monuments shall be in place at the time of the plat.

ARTILE VI

Bonding Procedure

Section 60.00. In the interest of good development and to protect the taxpayers and future purchasers of residential, commercial and industrial properties, it shall be the policy of the city to require a certified check or surety bond acceptable to the City Council in sufficient amount to cover the completion of all work remaining to be performed by the developer in accordance with the provisions of this ordinance before the final plat is signed for recording by the mayor or clerk.

Section 60.01. The amount of said certified check or surety bond shall be determined by the City Engineer and/or legal counsel and the stipulated period covered by such bond shall in general be for a period of one (1) year. In no case, however, shall the period of performance bonds exceed two (2) years.

ARTILCE VII

Fees

Section 70.00. A filing fee payable to the City Clerk shall accompany the application for final review by the City Council.

Section 70.01. A schedule of fees and collection procedure shall be established by the City Council and posted in the office of the City Clerk. Until all fees have been paid in full, no action shall be taken on any application or appeal.

ARTICLE VIII

Dedications and Reservations

Section 80.00. Where deemed appropriate by the City Council, open space suitably located and of adequate size for parks, playgrounds or other recreational activities for local or neighborhood use, shall be provided for in the proposed subdivision. Dedicated parcels shall be accepted by the city. If said parcels are not dedicated to the city, the City Council may recommend they be reserved by covenant or deed restriction for the common use of all property owners in the subdivision.

Section 80.01. When a park, school or other public use site shown in the Comprehensive Development Plan of the city lies wholly or partly within the boundaries of the proposed subdivision, and such a park, school or other public use site, is not dedicated for public use to the city, the City Council may recommend that the area be reserved for acquisition by the city or school district for a period of one and one-half (1 ½) years from the date of recording of the subdivision.

ARTICLE IX

Variances

Section 90.00. Where the City Council finds that extraordinary hardship may result from strict compliance with the provisions of this ordinance, it may vary the regulations to the extent that substantial justice may be done and the public interest secured, provided that such variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this ordinance. (Variances cannot be granted which relate to other ordinances). In instances where two adjacent property owners desire to change platted lot dimensions, with good cause shown, the City Council may allow a change in lot description without requiring surveying or recording of a re-plat.

Section 90.01. LARGE SCALE DEVELOPMENTS. The standards and requirements of this ordinance may be modified by the City Council in the case of a subdivision of 10 acres or more which is to be developed in accordance with a comprehensive development plan safeguarded by appropriate restrictions and which makes adequate provisions for necessary community facilities. No variance shall be granted which shall have the effect of nullifying the intent and purpose of this ordinance.

Section 92.00 CONDITIONS. In the granting of variances, the City Council shall weigh the benefits or hardships against the general standards and objectives of this ordinance, and may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 93.00. BOARD OF ADJUSTMENT. The City Council shall act upon all questions as they may arise in the administration of this ordinance. The City Council shall hear and decide appeals from and review any order, requirement, decision, or determination made in the enforcement of this ordinance.

ARTICLE X

Enforcement

Section 100.00. Violation of the provisions of this ordinance or deliberate failure to comply with any of its requirements shall constitute a misdemeanor. Each day shall be considered a separate offense.

The owner of the development and any developer, architect, engineer, surveyor, contractor, agent or other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate misdemeanor.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XI

Amendments

Section 110.00. The City Council may of its own motion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established.

ARTICLE XII

Validity, Separability and Effective Date

Section 112.00. Whenever any provision of this ordinance imposes restrictions which are more restrictive than

those imposed by provisions of existing laws of ordinances, the provision of this ordinance shall govern.

Section 112.01. Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except that part so declared to be invalid.

Section 112.02. This ordinance was adopted May 25, 1982 and became effective on May 25, 1982.

Published July 28 & August 4, 1982.

TABLE NO. 1

Minimum Street Design Standards

	Arterial	Collector Street	Local Street	Service Access	Alley	Industrial Parks	Commercial Parks
Rights-of-way	80'	80'	80'	40'	20'	60'	60'
Surface Width	*	40'	40'	24'	20'	40'	40'
Base Specifications	*						
Minimum Horizontal Curve Radii	*						
Minimum Tangent Between Curves	*						
Minimum Crown Grade	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
Maximum Grade	5%	7%	10%	10%	10%	5%	7%
Pavement Specifications	*						

* As Specified by City Engineer