



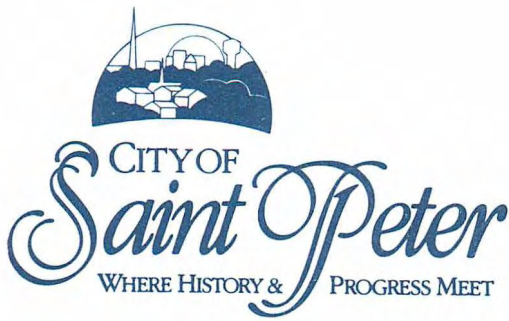
**CITY OF SAINT PETER, MINNESOTA
AGENDA AND NOTICE OF MEETING**

Regular Workshop Session of Monday, July 16, 2018
Community Center, St. Peter Room – 5:30 p.m.
600 South Fifth Street

- I. **CALL TO ORDER**
- II. **DISCUSSION**
 - A. Warren Park Land Annexation
 - B. Transient Food Merchant Regulation
 - C. Subdivision Ordinance
- III. **ADJOURNMENT**

Office of the City Administrator
Todd Prafke

TP/bal



Memorandum

TO: Todd Prafke
City Administrator

DATE: 7/13/18

FROM: Russ Wille
Community Development Director

RE: Annexation of Parkland Dedication – Warren Park Expansion

ACTION/RECOMMENDATION

None needed. For Council review and discussion only.

BACKGROUND

In the 1990's, when the first phase of Westview Subdivision was developed, the Subdivision Ordinance required the developer to deed 0.67 acres of land to the City of Saint Peter as a parkland dedication. For unknown reasons, the land was not dedicated at that time as required by ordinance.

Within the last year, staff has worked with the Enz family (the original developer of the property) to secure the 0.67 acre dedication of land adjacent to the western boundary of Warren Park. The quit claim deed was recorded in 2017.

The Enz family farmed the land during the 2017 growing season. Their lease was not extended to 2018 and the ground is currently lying dormant.

The plan in the 1990's was to acquire additional parkland from the Westview Subdivision to provide for an expansion of Warren Park. Annexation of the 0.67 acre parcel is just the first step in the expansion process. As future phases of Westview Subdivision are platted, additional lands will be acquired through parkland dedication and Warren Park will continue to expand.

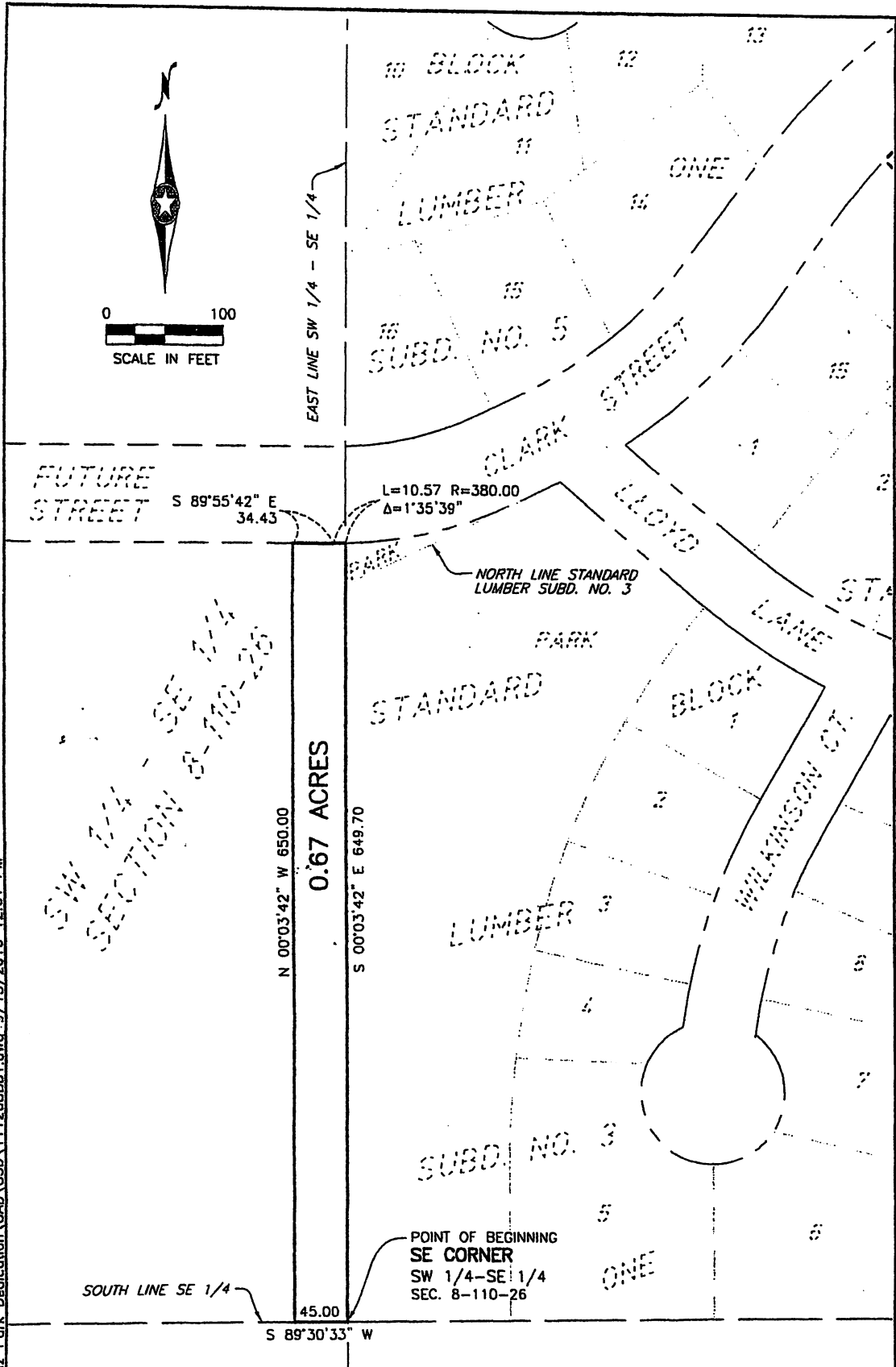
Given that the land is owned by the City of Saint Peter and is immediately adjacent to the existing City limits, the City Council can annex the land by ordinance. The annexation of municipally owned land does not require a public hearing.

The annexation would be consistent with the contents of the 2016 Parks Master Plan recommended by the Parks Board and adopted by the City Council.

The Planning and Zoning Commission, at the regular meeting in July, recommended approval of the annexation by the City Council.

Please note that any action to approve the annexation does not impact the tree line within Warren Park.

Please feel free to contact me should you have any questions or concerns on this agenda item.
RJW



H:\STPE\M1411268\SEnz Park Dedication\CAD\C3D\11268BD1.dwg_9/15/2016 12:01 PM

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CERTIFICATE OF SURVEY
NICOLLET COUNTY, MINNESOTA


BOLTON & MENK
 1960 PREMIER DRIVE
 MANKATO, MINNESOTA 56001
 (507) 625-4171

PART OF THE SW 1/4 - SE 1/4,
SECTION 8-110-26

FOR: CITY OF SAINT PETER

JOB NUMBER: M14.11268



Legend

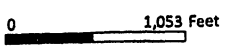
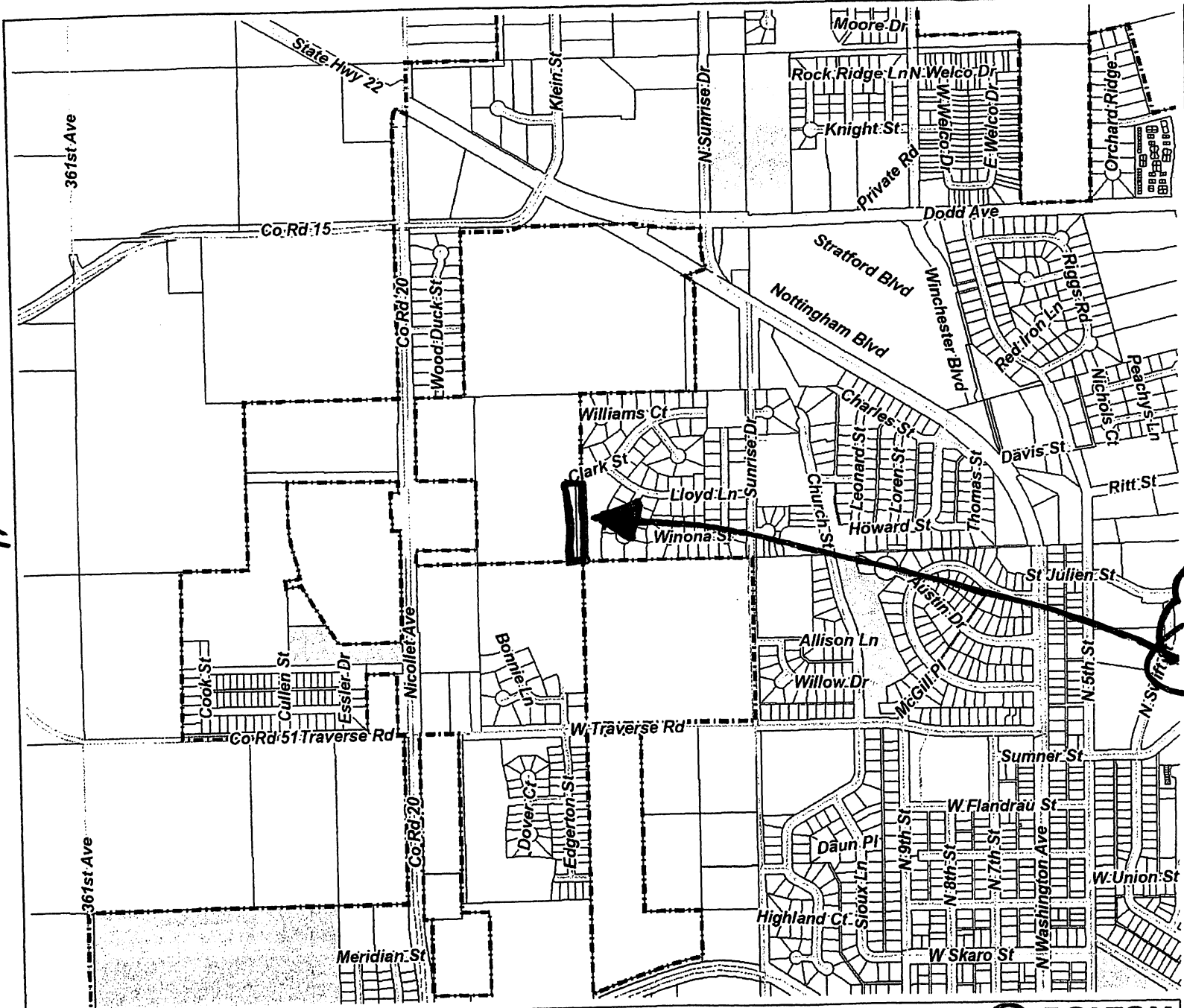
- Street Names - Medium
- County Boundary
- City Limits
- Roads
 - US Highway
 - State Highway
 - County Road
 - Local Road
- Railroad
- Parcels (6-7-2018)
- Parks
- PWI Watercourse
- PWI Basin
- Lakes & Rivers

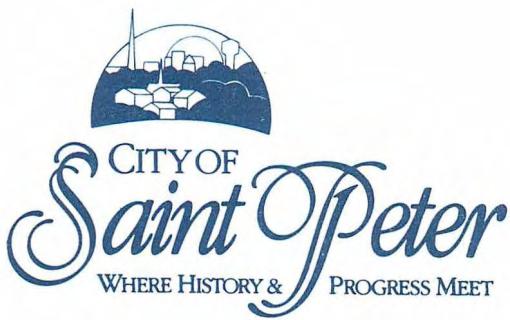
Petitioned Annexation

Map Name



Disclaimer:
 This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Saint Peter is not responsible for any inaccuracies herein contained.





Memorandum

TO: Todd Prafke
City Administrator

DATE: 7/13/18

FROM: Russ Wille
Community Development Director

RE: Transient Food Merchant – Draft Regulations

ACTION/RECOMMENDATION

None needed. For Council review and discussion only.

BACKGROUND

Attached is the most recent version of rules and regulations proposed for Transient Food Merchants or “food truck” operations which may choose to do business in Saint Peter.

The City Council has discussed the matter on a number of occasions but has not formally adopted any of the regulations. As such, if a Transient Food Merchant (TFM) established operations within Saint Peter they would be encouraged to follow the draft regulations.

As to the approved locations in town, the City Council has suggested that TFM operations would be most appropriately located in Municipal Parking Lot #5 (southwest corner of the South Minnesota Avenue/West Grace Street intersection).

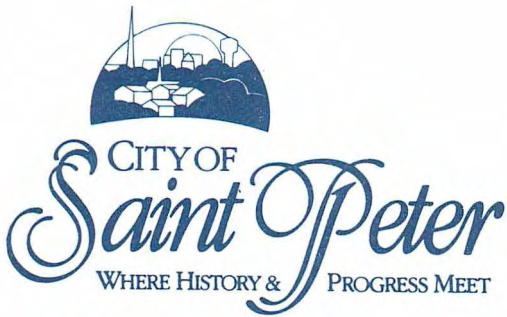
Given that there are no TFM operations currently operating in Saint Peter on a regular basis, it appears that the need for formal rules and regulations may not be necessary at this time.

Please feel free to contact me should you have any questions or concerns on this agenda item.

RJW

TRANSIENT FOOD MERCHANTS

1. The TFM shall not operate within 100 feet of the main entrance of a bricks & mortar restaurant establishment licensed by the City of Saint Peter.
2. The TFM may only operate within the CBD, C-3, C-4, C-5, I-1 or I-2 zoning districts.
3. TFM operations shall be prohibited within residentially zoned districts, with the exception that TFM operators may provide catered services for a private gathering at a private residence. Such residential operations shall conclude by 10:00 p.m.
4. One temporary sandwich board sign may be utilized as an accessory use. The signage must be removed daily and relocated with the TFM operations.
5. The TFM must provide an appropriately sized, leak proof, non-absorbent receptacle for solid waste. Such receptacles shall be relocated daily with the TFM operations. All accumulated solid waste must be disposed of at a private facility according to the applicable municipal regulations.
6. At the conclusion of each day's operations, the TFM shall cause all waste, signage and materials to be removed from the site. No evidence of the use shall remain at the conclusion of each day's business.
7. The TFM must obtain and maintain the appropriate license(s) as required by the City of Saint Peter, Nicollet County or the State of Minnesota.
8. The TFM shall not operate within the right-of-way of U.S.T.H. #169 as per Minnesota Department of Transportation rules and regulations.
9. The TFM shall abide by all vehicular parking regulations.
10. The TFM may only operate from sunrise until 10:00 p.m.
11. The TFM may not operate in a manner which creates undue congestion upon the public sidewalk and handicapped accessibility of a minimum of five (5) feet must be maintained at all times.
12. The TFM must show proof that State and Federal tax identification numbers have been obtained from the appropriate governmental agency at the time of licensing.
13. The TFM operations shall be entirely self-contained requiring no outside utility sources.
14. An electrical generator, if utilized, shall meet National Park Service Interior Regulations 2.12 that states, "Motorized equipment or machinery shall not exceed a noise level of sixty (60) decibels when measured on the A-weighted scale at fifty (50) feet."
15. The TFM may not use noisemakers, flashing lights or amplified music to attract customers.
16. Each TFM vehicle must display a legible sign depicting the name, address and telephone number of the vehicles owner / operator.
17. The owner / operator shall provide proof of liability insurance with a minimum coverage of \$1,500,000 per event, occurrence or event.



Memorandum

TO: Todd Prafke
City Administrator

DATE: 7/13/18

FROM: Russ Wille
Community Development Director

RE: Subdivision Ordinance – Suggested Amendment(s)

ACTION/RECOMMENDATION

None needed. For Council review and discussion only.

BACKGROUND

As the preliminary and final plats of Nina's Subdivision were reviewed by City staff and the City Engineer, it was determined that the Saint Peter City Code requires certain disclosures and submittals upon the plats which are not acceptable to the Nicollet County Recorder's office.

As such, I had asked Bolton & Menk to review the entire Subdivision Ordinance (Chapter 44) and to recommend amendments which would bring the ordinance in line with current and required practices.

I have included a "red lined" copy of the existing ordinance which tracks the recommended changes to code.

The Planning and Zoning Commission considered the recommended amendments at their regular June meeting. Following their review, the Commission recommended that the City Council accept the proposed alterations of code.

Should the Council wish to move forward we would provide the appropriate published notice and bring the modified ordinance back to the Council for your action.

Please feel free to contact me should you have any questions or concerns on this agenda item.

RJW

Chapter 44 - SUBDIVISIONS¹¹

ARTICLE I. - IN GENERAL

Sec. 44-1. - Purpose.

In order to safeguard the best interests of the City and to assist in harmonizing the interests of the subdivider with those of the City at large, this chapter is adopted so that adherence to same will bring results beneficial to both parties. Each new subdivision becomes a permanent unit in the basic structure of the expanding community to which the community will be forced to adapt. Unless design and arrangement are correlated to the Comprehensive Plan of the City to provide a unified scheme of community interests, piecemeal planning of subdivisions will bring an undesirable, disconnected patchwork pattern of development and poor circulation of traffic.

In order to implement certain regulations and requirements for the platting of land within the City, pursuant to the authority contained in Minnesota Statutes annotated, Chapter 429, 471 and 505, which regulations the City Council deems necessary for the health, safety and general welfare of the community, all subdivision of land hereafter submitted for approval to the Planning and Zoning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this Chapter.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-2. - Jurisdiction.

The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City. The Planning and Zoning Commission referenced in this Chapter shall be the Planning and Zoning Commission established in Chapter 2 of this Code.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-3. - Application.

Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this Chapter, shall be prepared, presented for approval and recorded as herein prescribed. The applicant shall pay a fee as determined by resolution of the City Council, which resolution may be amended and revised from time to time, and bearing the effective date thereof, shall be kept on file in the office of the City Clerk Administrator, and as an Appendix to the City Code; such fees when so adopted shall be uniformly enforced.

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 for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. A division of land which creates two or more lots or parcels which are two and one-half (2½) acres or less in size shall be platted.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-4. - Approvals necessary for acceptance of subdivision plats.

Before any plat shall be recorded or be of any validity, it shall be reviewed by the City Planning and Zoning Commission and approved by the City Council as having fulfilled the requirements of this chapter.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-5. - Definitions.

For the purpose of this chapter, the following words and terms shall have the meanings stated:

Access way means a public or private right-of-way across a block or within a block to provide non-vehicular access, to be used by the general public.

Alley means a public or private passage or way which (1) is less than the usual width of a street, (2) may be open to, but is not designed primarily for general vehicular traffic, (3) intersects or opens to a street, and (4) is primarily used for the ingress and egress or other convenience of two or more owners of abutting real properties.

Block means an area of land within a subdivision that is entirely bounded by streets or by street and the exterior boundary or boundaries of the subdivision, or a combination of the above and a river, lake, pond, detention/retention basin, park or other public right-of-way.

Boulevard means the area located between an established street curb and public sidewalk.

Cul-de-sac means a minor street with only one ingress/egress and having an appropriate terminus for the safe and convenient reversal of traffic movement.

Comprehensive Plan means the plan prepared and adopted by the Planning and Zoning Commission and City Council which indicates the general recommendations for the physical development of the City and includes any unit or part of such plan separately adopted.

Deflection angle means the angle between a line and the prolongation of the preceding line.

Design standards means the specification required of 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 rights-of-way, blocks, easements and lots.

development agreement means the document(s) specifying the requirements and expectations of the developer, owner, and the City; including, but not limited to, streets, utilities, grading, drainage, parkland dedication, financing and inspection.

Development plan means the documents, declarations, drawings and maps, indicating the proposed layout of lots and buildings within a Planned Unit Development.

Easement means a grant by a property owner for the use of a parcel or portion of a parcel for a specified public or private purpose.

Final plat means a drawing or map of a subdivision meeting all the requirements of the City and in such form as is required by the County for the purposes of recording.

Lot means a parcel of land, under one ownership that is a portion of a subdivision, intended for development or transfer of ownership.

Pedestrian way means a public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utilities.

Percentage of grade means the distance vertically from the horizontal as measured in feet and decimals of a foot for each 100 feet of horizontal distance.

Planning and Zoning Commission means the Saint Peter Planning and Zoning Commission as appointed under the regulations of Saint Peter City Code, Chapter 2.

Preliminary plat means the preliminary map, drawings and diagrams indicating the proposed layout of the subdivision to be submitted to the Planning and Zoning Commission for its consideration and recommendation to the City Council.

Protective (restrictive) covenants means a contract(s) between private parties as to the manner in which land may be used, developed or occupied, with the intent of protecting and/or preserving the physical, social or economic integrity of an identified area.

Right-of-way means property, identified upon a plat, dedicated for the public use.

Street means the section of public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, drive, avenue, highway, lane, parkway, place, road, thoroughfare, or however otherwise designated.

street, arterial means a street with limited access used primarily for heavy traffic and serving as an arterial trafficway between the various districts of the community, including State and Federal highways, as shown in the Comprehensive Plan.

Street, collector means a street with limited access that carries traffic from minor streets to the major system of arterial streets and highways, including principal entrance streets of residential neighborhoods.

Street elevation means the top of curb elevation of the street which shall be related to property line elevations as shown on standard street cross-sections on file in the office of the Public Works Director.

Street, local/minor means a street primarily used for access to abutting properties.

Street width means the distance from back of curb to the back of the curb on the opposite side of the street.

Subdivision means a described tract of land which is to be or has been divided into two or more lots or parcels for the purpose of transfer of ownership or development, or, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, where appropriate to the context, relates to either the process of subdivision or other land subdivided.

Tangent means a straight line projected from the ends of two (2) curves, which is perpendicular to a line in each curve drawn to the radii point to the end of the curve.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-6. - Chapter violation a misdemeanor.

Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Secs. 44-7—44-28. - Reserved.

ARTICLE II. - PROCEDURE

Sec. 44-29. - Procedure.

An application for subdivision will not be considered complete until the following steps are complete:

- (1) *Concept Plan.* Prior to the filing of an application of a Preliminary Plat, the owner and his surveyor or engineer shall meet with the Public Works Director and Community Development Director for informal discussion of the proposed plat. As far as may be practical on the basis of informal discussion, the Directors will advise the owner as to the extent which a proposed subdivision concept conforms to the Comprehensive Plan and suggest possible plan modifications necessary to ensure conformance. In addition to informal review of the concept, the owner shall be notified of the kind, manner and extent of improvements to be made by the developer as part of a Development Agreement.
- (2) *Preliminary Plat.*
 - a. *Approval of the Planning and Zoning Commission.* The preliminary plat shall be submitted to the Planning and Zoning Commission at least 14 calendar days prior to a Commission

meeting at which consideration is requested. The Community Development Director shall place the proposed plat on the agenda of the next regular Planning Commission meeting and notify the applicant and the owners of record of the adjoining properties as required by State Statute of such meeting date.

Approval or disapproval of a Preliminary Plat shall be conveyed to the subdivider in writing within ten days after the meeting of the planning and zoning commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the commission.

Prior to recommending any Preliminary Plat for City Council approval, the planning and zoning commission shall find that the submitted preliminary plat conforms, enhances and promotes the goals and policies of the applicable residential, commercial, industrial or park/recreational development as stated in the Comprehensive Plan sections entitled "Residential Development Goals and Policies", "Commercial Development Goals and Policies" and "Industrial Development Goals and Policies."

- b. *Approval of the city council.* After review and recommendation of the Preliminary Plat by the Planning and Zoning Commission the Preliminary Plat, together with the recommendations of the Planning and Zoning Commission, shall be submitted to the City Council for consideration. Approval or disapproval of the Preliminary Plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the City Council at which such Plat is considered. In case the Plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the City Council. Approval of the Preliminary Plat does not constitute a final acceptance of the subdivision, but is deemed to be an authorization to proceed with the Final Plat. Approval of the Preliminary Plat shall be effective for a period of one year, unless an extension is granted by the City Council. The subdivider may file a Final Plat limited to such portion of the Preliminary Plat as he proposes to record and develop at the time, provided that such portion conforms to all requirements of this Chapter. If some portion of the Final Plat has not been submitted for approval within one year, a Preliminary Plat must again be submitted to the Planning and Zoning Commission and the City Council for approval.
- (3) *Final Plat.* After the Preliminary Plat has been approved, the Final Plat may be submitted for approval as follows:
- a. Approval of the Planning and Zoning Commission. The Final Plat shall be submitted to the Planning and Zoning Commission at least 14 calendar days prior to a Commission meeting at which consideration is requested. Approval or disapproval of the Final Plat shall be conveyed to the subdivider in writing within ten (10) days after the meeting of the Planning and Zoning Commission at which such Plat was considered. In case the Plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Commission.

Prior to recommending any Final Plat for City Council approval, the Planning and Zoning Commission shall find that the submitted Final Plat conforms, enhances and promotes the Goals and Policies of the applicable residential, commercial, industrial or park/recreational development as stated in the in the Comprehensive Plan sections entitled "Residential Development Goals and Policies," "Commercial Development Goals and Policies" and "Industrial Development Goals and Policies."
 - b. *Approval of the City Council.* After review and recommendation of the Final Plat by the Planning and Zoning Commission, such Final Plat, together with the recommendations of the Planning and Zoning Commission, shall be submitted to the City Council for approval. If accepted, the Final Plat shall be approved by resolution, which resolution shall provide for the acceptance of all right-of-way, alleys, easements or other public ways and parks or

other open spaces dedicated to public purposes. If disapproved, the grounds for refusal to approve a Plat shall be set forth in the proceedings of the City Council and reported to the person or persons applying for such approval, in writing within ten days after the meeting.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Secs. 44-30—44-46. - Reserved.

ARTICLE III. - REGULATIONS

Sec. 44-47. - Data required for preliminary and final plats.

Subd. 1. Preliminary Plat. The owner or subdivider shall prepare and submit a Preliminary Plat, together with any necessary supplementary information signed by all owners and lien holders:

- (1) Filing. FiveTwenty copies of a Preliminary Plat of any proposed subdivision shall be filed with the Director of Community Development. The applicant shall also provide a digital copy of the proposed plat in an electronic format acceptable to the City.
- (2) *Contents.* The Preliminary Plat shall contain the following information:
 - a. Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions recorded within Nicollet County, Minnesota.
 - b. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines or other definable line comprising a legal description of the property.
 - c. Names and addresses of the subdivider and the surveyor and/or engineer contributing to the design of the proposed Plat.
 - d. Graphic scale, not less than one (1) inch to one hundred (100) feet.
 - e. Date of preparation and north point.
 - f. Existing conditions.
 1. Boundary line survey, unless waived by the Planning and Zoning Commission, including measured distances and angles, which shall close by latitude and departure with an error of closure not exceeding one foot in 10,000 feet.
 2. Total acreage in said preliminary plat and individual lots, computed to one hundredth (.01) of an acre.
 3. Location and names of existing or platted streets or other public ways, parks or other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract to a distance of 100 feet beyond the tract.
 4. If the proposed subdivision is a rearrangement 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. Location and size of existing paved streets, railroads, sewers, water mains, quarries, gravel pits, culverts and other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Also such data as grades, invert elevations and location of basins, manholes and hydrants.
 6. Boundary lines of adjoining platted and unplatted land and owners of all tracts of land within 100 feet.
 7. Complete topographic map with contour intervals not greater than two feet, watercourses, marshes, rock outcrops and other significant features. United States

Geodetic Survey Datum shall be used for all topographic mapping. High water elevations and date thereof if part or all of a plat adjoins a watercourse.

8. A separate copy of restrictive covenants, if any, of all adjoining subdivisions.
- g. Proposed development. For any proposed development, the preliminary plat shall contain the following:
 1. The location and width of proposed rights-of-way, streets, alleys, pedestrian ways, access ways and easements, and the location of streets within rights-of-way.
 2. The horizontal and vertical location and character of proposed facilities, including storm water and sanitary sewers, water mains, culverts, railroads, parks, open spaces, utility rights-of-way, easements, storm water detention areas (if required), restrictive areas (high water table, flood plain, floodways, wetlands, environmental overlay district, etc.) and other known underground installations.
 3. Layout, number and approximate dimensions of lots and the number or letter of each block.
 4. Location and size of proposed parks, playgrounds, churches or school sites or other special land uses to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservation.
 5. Indication of any lots on which a use other than residential is proposed by the subdivider.
 6. The zoning districts, if any, on and within 200 feet of the tract.
 7. Vicinity sketch, at a legible scale, to show the relation of the Plat to its surroundings.
- h. Aerial photo: The petitioner shall submit an aerial photo of the site depicting the preliminary plat overlaid upon the photo.
- (3) *Supplementary Requirements.* Upon request of the Planning and Zoning Commission, supplementary information shall be submitted; such supplementary information may include the following:
 - a. Topography, with contour intervals of not more than two feet, related to an approved datum; also the location of water courses, storm water detention areas, ravines, bridges, lakes, wooded areas, approximate acreage, and other such features as may be pertinent to the subdivision.
 - b. Two copies of street profiles or grading plans for each proposed street showing existing grades and proposed approximate grades and gradients on the center line. The location of proposed culverts and bridges shall also be shown.

Subd. 2. Final Plat. The owner or subdivider shall submit a Final Plat together with any necessary supplemental information.

- (1) *Filing.* A Mylar reproducible duplicate of the original and ~~Five~~ twenty (~~20~~) copies of a Final Plat shall be filed with the Planning and Zoning Commission, together with additional copies as required for approval by Nicollet County. The applicant shall also provide a digital copy of the plans in an electronic format acceptable to the City.
- (2) *Contents.* The Final Plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and Nicollet County regulations, and such Final Plat shall contain the following information:
 - a. Subdivision boundary lines, (including measured distances and angles, which shall close by latitude and departure with an error of closure not exceeding one (1) foot in ten thousand (10,000) feet, street rights-of-way, easements, lot lines, lines of all other sites and reservations; with accurate dimensions.

- b. Dimensions of the final plat shall be one inch equals 100 feet.
- c. Where there is more than one sheet, an index sheet shall be attached, showing the entire subdivision, including boundary and streets, at an appropriate scale. On each sheet there shall be match lines for matching all adjoining sheets.
- d. Municipal, township, county or section lines accurately tied to the lines of the subdivision by distance and angles.
- e. Streets and roadways to be named and the names indicated on the plat. All dimensions shall be shown for streets, roadways, etc. Horizontal curve data shall be indicated by radius and degree. Chord bearings and lengths of all arcs shall be shown.
- f. The boundary line of the property to be included within the plat is to be fully dimensioned; all angles of the boundary to be indicated, all monuments and surveyor's irons to be indicated; each angle point of the boundary perimeter to be so monumented. Location and ties of monuments that cannot be set at proper locations because of physical hardship shall be delineated on the outside boundary of the final plat.
- g. Pipes or steel rods shall be placed at each corner of each lot and at each intersection of street center lines. All Federal, State, County or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position and be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys, shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.
- h. Lots are to be numbered in numerical order and in tracts containing more than one block, the blocks are to be numbered in numerical order.
- i. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision, with the purposes indicated therein.
- j. In case of a rearrangement or replat, the original platting of the subdivision shall be shown in dotted lines.
- k. Low land and water areas shall be indicated by proper identification symbols. Floodway and flood fringe zones shall be shown as delineated by current FEMA flood plain maps.
- l. All easements for utilities and drainage, being of record, of nonrecorded agreement or intended for dedication shall be indicated and dimensioned.
- m. The name of the subdivision shall be lettered in prominent print at the top of the plat, together with the name of the city, township and county wherein the subdivision is located. The name of the subdivision shall be simple in nature, easy to pronounce and shall not duplicate in exact name any plat of record in the City of Saint Peter or Nicollet County.
- n. Notarized certification by a licensed registered land surveyor to the effect that the plat represents a survey made by him/her and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
- o. Notarized certification by owner, and by any mortgage holder of record of the adoption of the plat and the dedication of streets and public areas.
- p. Certification showing all delinquent taxes and special assessments due on the property have been paid in full.
- q. Space for certificates of approval to be filled in by the signatures of the Chairman of the Planning and Zoning Commission, Secretary, and the Mayor and the City Clerk-Administrator. The form of approval by the Planning and Zoning Commission shall be substantially as follows:

Approved by the Planning and Zoning Commission of the City of Saint Peter this _____ day of _____

_____, 20 ____.	
Signed:	_____ Chairman
Attest:	_____ Secretary
The form of approval of the City Council shall be substantially as follows:	
Approved by the City Council of the City of Saint Peter, Nicollet County, Minnesota, this _____ day of _____, 20 ____.	
Signed:	_____ Mayor
Attest:	_____ City Administrator

(3) *Filing Fee.* The Final Plat shall be accompanied by a fee as established by the City Council. Such fees to be used for the expense of the City in connection with the review, inspection, approval, disapproval or other expenses of said Plat which may thereafter be submitted. Fees in lieu of park land and/or public sites shall be submitted upon approval of the final plat, prior to the filing of the plat with the County Recorder's Office.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-48. - Design standards.

Subd. 1. General requirements.

- (1) The Planning and Zoning Commission, in its review of a Preliminary Plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangements, location and widths of streets, the general stormwater drainage situation, lot sizes and arrangement, as well as Comprehensive Plan requirements such as parks, school sites, access ways, boulevards and highways, but not limited to these.
- (2) The Preliminary Plat must cover all of the subdivider's contiguous land, but the Final Plat may cover only a portion of the Preliminary Plat, provided that it is in conformance with an approved Preliminary Plat and other requirements herein.

- (3) When the parcel is subdivided into tracts larger than building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.
- (4) Subdivisions showing unplatted strips or private streets controlling access to public ways shall not receive approval.

Subd. 2. Streets and alleys.

- (1) The arrangement, character, extent, width and location of streets shall conform to the Comprehensive Plan, the approved standard street sections and all applicable ordinances and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.
- (2) For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall not be less than the minimum dimensions for each classification as follows:

Type of Public Way	Right-of-Way Minimum Width	Back of Curb—Back of Curb Minimum Pavement Width (Feet)
Primary arterial	100 feet	44
Secondary arterial	100 feet	44
Collector street	80 feet	40
Sub collector street	66 feet	36
Local/minor street	60 feet	30
Access service streets	50 feet	28
Alley	20 feet	

Where the existing or anticipated traffic on primary or secondary arterials warrants greater widths of rights-of-way, these shall be required.

- (3) Street intersections at both the center line and property line shall be at right angles.
- (4) Street jogs with center line off-sets of less than 125 feet shall be avoided.
- (5) Minor streets shall be so aligned that their use by through traffic will be discouraged. Minor streets shall not exceed 500 feet in length.
- (6) Cul-de-sac streets shall be not longer than 300 feet as measured along the center line from the intersection or origin to end of right-of-way. Each cul-de-sac shall have a terminus of circular

shape with a minimum right-of-way diameter of 120 feet and a minimum outside roadway diameter of 80 feet. Where a street terminates at the property line of the tract, the developer shall submit a plan for ingress and egress acceptable to the Planning and Zoning Commission.

- (7) Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision or the completion of an existing half-street in conformity with other requirements of these regulations and where the Planning and Zoning Commission finds that it will be practicable to require the dedication of the other half when the adjoining property is subdivided.
- (8) Half cul-de-sacs, widened portions of streets and dead-end streets without cul-de-sacs shall be prohibited.
- (9) Street names or numbers shall be used. They shall not duplicate or be confused with names or numbers of existing streets, and shall be subject to approval by the Planning and Zoning Commission and the City Council. All street extensions of existing streets shall use the same name. Arterial and collector streets shall be designated avenues. Other roadways, if straight, shall be designated streets; if curved, they may be designated as a drive, lane, way, road, or parkway. streets terminating in cul-de-sacs shall be designated court, circle, or place.
- (10) Alleys, where permitted by the city, shall be at least twenty (20) feet wide in residential areas and at least 24 feet wide in commercial areas. The city may require alleys in commercial areas where adequate off-street loading space is not available. Alley intersections and sharp corners in alignment shall be avoided, but where necessary, corners shall have a minimum 15-foot radius to permit safe vehicular movement. Dead-end alleys shall be avoided, but if unavoidable, shall be provided with a cul-de-sac.
- (11) All proposed streets and alleys shall be offered for dedication as public street and alleys. No private streets or private alleys shall be permitted.
- (12) Boulevards shall be provided on both sides of every street. To provide adequate room for the storage of plowed snow, boulevards shall have a minimum width of six feet. No structures, other than minor utility services shall be located within the required boulevard. Sidewalks shall be located a minimum distance of six feet from the established curb line of the street.

Subd. 3. Easements.

- (1) Easements at least twelve feet wide shall be centered on rear or side lot lines. They shall have continuity of alignment from block to block and at deflection points. These easements, when approved, shall not thereafter be changed without the approval of the City Council as provided in Statute and upon recommendation of the Planning and Zoning Commission, after receiving input from the Public Works Director. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots, depending on the depth of the utility.
- (2) Where a subdivision is traversed by a water course, drainage way, channel or stream, a ~~storm-water easement or drainage right-of-way~~ drainage easement conforming substantially with the lines of such water courses shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. An additional 12-foot width may be required for maintenance access. The need for such easement shall be determined by the Public Works Director.

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Subd. 4. Block standards.

- (1) The maximum length of blocks shall be 1,000 feet. Blocks over 500 feet long may require access ways at 12 feet wide at their approximate centers. The use of additional access ways to schools, parks and other destinations may be required.
- (2) Blocks intended for commercial and industrial use must be designated as such, and the block must be of sufficient size to provide for adequate off-street parking, loading and such other facilities as are required to satisfy the requirements of the Zoning Chapter of the City Code.

- (3) 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.

Subd. 5. Lot standards.

- (1) The minimum width of a lot for residential development shall be as stated in Chapter 24 of the City Code.
- (2) All lots must have at least the minimum required frontage on a public dedicated street.
- (3) Side lot lines shall be substantially at right angles or radial to the street line.
- (4) Double-frontage or lots with frontage on two parallel streets shall not be permitted except:
 - a. Where lots back on a street with access control, vehicular access between the lots and said street shall be prohibited. Such double-frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.
 - b. Where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.
- (5) Lots abutting on a water course, drainage way, channel or stream shall have an additional depth or width, as required, to ensure house sites that are not subject to flooding.
- (6) Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the chapter 24.

Subd. 6. Public park standards.

- (1) In subdividing land, or re-subdividing an existing Plat, or annexing land, or in developing land that was previously undeveloped or substantially undeveloped, a reasonable portion of such land shall be set aside and dedicated by the owner or developer to the general public for parks, or at the option of the City, the tract owner or developer shall contribute to the City an amount of cash equal to the fair market value of the land, as determined by the City Council, otherwise required to be so set aside and dedicated, or set aside and dedicate part of said land and contribute the balance of such land value in cash. Dedication of land or cash in lieu thereof for park land shall mean that the land or cash shall be used only for the purposes set forth in this Subdivision.
- (2) All parks to be reserved for, or dedicated to public use shall be indicated on the Preliminary Plat, Final Plat, and Development Plan of the land. The City shall have the sole right to require the subdivider or developer to dedicate or reserve suitable sites for purposes set forth herein or in lieu thereof a reasonable amount in cash to be used for the acquisition or improvement of sites for such purposes or for debt retirement in connection therewith at the option of the City. Fees may also be used to upgrade existing parks or create or maintain trail systems that connect neighborhoods to parks or parks to each other. The City shall have the right of final approval of the appropriate geographic location and configuration of any dedication.
- (3) Fair market value of land to be considered or used for parks shall be the reasonable-estimated market value of the land as determined by the Nicollet County Appraiser as of the date of the plat, replat, development, annexation or subdivision when presented to the City Council for final approval, as determined by a qualified appraiser, approved by the City Council, using appraisal procedures generally accepted by other appraisers in the area, excluding in determining such value, all value added to such land by improvements, but including in such determination the highest and best use to which the land can be put under the Zoning District then existing or to which the land is about to be transferred. The City may agree with the developer to an amount of land dedicated or fee in lieu thereof without using an appraiser.
- (4) The amount of land or fee to be dedicated for public park use shall be determined at the time of final plat approval. The portion of land to be dedicated shall be calculated based upon the net

developable area of the subdivision. The net developable area of the subdivision shall not include land platted and dedicated to the public as streets, trails, walks, stormwater ponds, gas/water facilities, similar utility structures and other rights-of-way. The dedication of land shall be provided as follows:

Land Use	Parkland Dedication*
Residential	12% of Net Developable Area
Commercial/Industrial	5% of Net Developable Area

*The City Council may require payment of a fee in lieu of the dedication of land.

- (5) Parkland dedication or fees in lieu thereof are to be conveyed to the City as follows:
 - a. Subdivision/Platting. Fees shall be paid at the time of final plat approval. The City of Saint Peter will not provide for the recording of the plat until such time as all parkland dedication fees are paid in full.
 - b. Annexation. Fees shall be paid at such time as the annexation is approved and ratified by the Minnesota Boundary Adjustment Board. Parkland dedication fees of annexed land shall not be applied to unplatted parcels of land. Parkland dedication fees shall be applied to such lands at the time of future platting.
- (6) Once dedication or payment in lieu thereof has been effected for a tract of land by virtue of its subdivision, resubdivision or development, said tract is exempt from further parkland dedication or payment.
- (7) New parks shall be designed according to standards as set by City Council resolution. All new parks shall have a minimum percentage of perimeter land adjacent to streets, based on the classification of the park as established by the City Council.

Park Classification	Percent of Perimeter to be Adjacent to a Street
Neighborhood Park	50%
Special Area/Park	50%
Community Park	60%
Play Fields and Ball Fields	65%

- a. All new parks shall provide access ways, from all practical directions, as determined by the Planning and Zoning Commission. All access ways shall be in compliance with the Americans with Disabilities Act and applicable City standards.
- b. Parking areas shall be established on land adjacent to the park land area, sized to meet the needs of the planned facilities. Said parking areas shall be dedicated to public use.
- c. Parks bordered on one or more sides by existing native rivers or streams may have the provisions above modified by the Planning Commission and City Council if the following conditions are met:
 - 1. Access to the park is provided from an arterial roadway or collector street.
 - 2. Pathways that allow emergency motorized vehicle traffic within the park are present.

Subd. 7. Other public sites and open spaces.

- (1) In subdividing land, or resubdividing an existing Plat, or annexing land, or in developing land that was previously undeveloped or substantially undeveloped, a reasonable portion of such land shall be set aside and dedicated by the owner or developer to the general public for public open space, storm water holding areas, detention basins or ponds, schools, conservation areas, or other public or semi-public recreational areas. Areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan.
- (2) All areas to be reserved for or dedicated to public use shall be indicated on the Preliminary Plat, Final Plat, and Development Plan of the land, in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. The City shall have the sole right to require the subdivider or developer to dedicate or reserve suitable sites for purposes set forth herein or in lieu thereof a reasonable amount in cash to be used for the acquisition or improvement of sites for such purposes or for debt retirement in connection therewith at the option of the City. The City shall have the right of final approval of the appropriate geographic location and configuration of any dedication.
- (3) Land dedication or fees in lieu thereof are to be conveyed to the City as follows:
 - a. Subdivision plats or replats. Prior to recording of the Final Plat or if more than one Final Plat is to be filed from one Preliminary Plat, then at the filing of the first Final Plat.
 - b. Land development. Prior to issuance of a building permit.
- (4) Once dedication has been effected for a tract of land by virtue of its subdivision, resubdivision, annexation or development, said tract is exempt from further dedication or payment.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-49. - Basic improvements required.

Subd. 1. General.

- (1) Before a Final Plat is approved by the City Council, the owner and subdivider of the land covered by the said Plat shall execute and submit to the City Council a development agreement. The development agreement shall be binding on him/her or their heirs, personal representatives and assigns. He or she will cause no private construction to be made in said platted area, or file or cause to be filed any application for building permits for such construction, until all improvements required under this Chapter have been made or arranged for. Improvements will be considered to be "arranged for" upon receipt of a signed agreement for public improvements.
- (2) Prior to the making of such required improvements, the owner or subdivider, if privately financing the project, shall deposit with the City Clerk/Administrator an amount agreed to in the development agreement, either in cash, a letter of credit, or an indemnity bond, with sureties

satisfactory to the City, conditioned upon the payment of all expense incurred by the City for engineering and legal fees and other expense in connection with the making of such improvements.

- (3) No Final Plat shall be approved by the City Council without first receiving a report from the Zoning Administrator certifying that the improvement plans described therein, together with the agreements and documents required herein, meet the minimum requirements of all applicable provisions of the Code. Upon completion of the project, as-built drawings of all improvements shall be filed with the Public Works Director. Such as-built drawings shall show the date of construction and shall be drawn in such a manner and on such materials to meet the standards of the City. As-built drawings must be completed and filed with the Public Works Director within 60 days of the completion of such improvements. If as-built drawings are not filed within the time period specified, the City Engineer may be authorized to conduct surveys and complete the drawings, with all of the costs pursuant thereto being paid by the owner.
- (4) No Final Plat shall be approved by the City Council on land subject to flooding or containing poor drainage facilities which would make adequate drainage of the streets and lots impossible.
- (5) All of the required improvements to be installed under the provisions of this Chapter shall be inspected by the City while under construction. All of the inspection costs pursuant thereto shall be paid by the owner or subdivider in the manner prescribed in Subparagraph (2), above.

Subd. 2. Street improvements.

- (1) The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for street construction as approved by the City Council.
- (2) All streets shall be improved with pavement in accordance with the standards and specifications for street construction as approved by the City Council. All streets to be paved shall be of an overall width in accordance with the standards and specifications for street construction as approved by the City Council.
- (3) Curb and gutter shall be constructed as required by the standards and specifications for street construction as approved by the City Council.
- (4) Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where necessary to ensure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for storm water management as approved by the City Council.
- (5) The City shall provide and install street name and regulatory signs of the standard design and location in conformance with the Minnesota Manual on Uniform Traffic Control approved by the City Council.
- (6) Sidewalks shall be located and built in accordance with the Sidewalk District Plan adopted by the City Council.

Subd. 3. Public utility improvements.

- (1) Sanitary sewers shall be installed as required by standards and specifications as approved by the City Council.
- (2) Water facilities, including pipe fittings, hydrants, etc., shall be installed as required by standards and specifications as approved by the City Council.
- (3) Electric distribution and service lines shall be buried. Distribution and service lines, along with related transformers, shall be provided and installed by the electric utility as required by standards and specifications as approved by the City Council.
- (4) Storm water drainage shall be provided as required by standards and specifications as approved by the City Council.

Subd. 4. Franchised and public utilities.

- (1) All telephone, cable TV, and/or gas service lines are to be placed underground. Conduits, pipes or cables shall be placed within easements or in rights-of-way adjacent to streets in such manner as not to conflict with other underground services.
- (2) All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.

Subd. 5. Boulevard trees.

- (1) Boulevard trees shall be mandatory. The developer shall submit a planting plan during the preliminary review of the proposed subdivision. Such plan shall describe the species of planting, height, diameter of trunk and distances between plantings.
- (2) Trees may be planted within the boulevard as approved by the Public Works Director. Trees shall not be planted or otherwise established within identified utility or drainage easements.
- (3) The trees shall be planted in conformance with the standards set out in the City Code.

Subd. 6. Observance. All requirements of this Section shall be observed unless alternate measures are approved by the City Council.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-50. - Registered land surveys and conveyance by metes and bounds.

Subd. 1. Registered land surveys. It is the intent of this Chapter that all registered land surveys in the City should be presented to the Planning and Zoning Commission in the form of a Preliminary Plat in accordance with the standards set forth in this Chapter for preliminary plats and that the Planning and Zoning Commission shall first approve the arrangement, sizes, and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or rights-of-way should be so dedicated as separate parcels to be conveyed to the City subsequent to the recording of the Registered Land Survey. Unless such approvals have been obtained from the Planning and Zoning Commission and City Council in accordance with the standards set forth in this Chapter, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the City may refuse to take over tracts as streets, or rights-of-way, or to improve, repair or maintain any such tracts unless so approved.

Subd. 2. Conveyance by metes and bounds.

- (1) No conveyance of land shall be filed or recorded if the land is described in such conveyance by metes and bounds, or by reference to an unapproved registered land survey made after April 21, 1961, or to an unapproved plat made after July 10, 1967. This Subdivision does not apply to a conveyance if the land described (1) was a separate parcel of record on July 10, 1967, or (2) was the subject of a written agreement to convey entered into prior to July 10, 1967, or (3) was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1966, or (4) is a single parcel of land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width.
- (2) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the Council may waive such compliance by adoption of a resolution to the effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this Subdivision shall forfeit and pay to the City a penalty for each lot or parcel so conveyed. The City may enjoin any such conveyance or may recover such penalty by a civil action.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-51. - Variances.

Subd. 1. General.

- (1) The Planning and Zoning Commission may recommend a variance from the provisions of this Chapter when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein, the Planning and Zoning Commission shall take into account the nature of the proposed use(s) of land within the subdivision, 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 recommended by the Planning and Zoning Commission or granted by the City Council unless it is found that:
 - a. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land; or
 - b. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
 - c. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
- (2) Recommendations of variance to the City Council shall list findings of fact and reasons substantiating the findings of fact.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-52. - Compliance.

Subd. 1. Conditions for recording. No Plat of any subdivision shall be entitled to record in Nicollet County Recorder's Register of Deeds Office or have any validity until the Plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.

Subd. 2. Building permits. No building permits will be issued by the City for the construction of any building, structure, or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Chapter have been fully complied with.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-53. - Violations a penalty.

Subd. 1. Sale of lots from unrecorded plats. It is unlawful for any person 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 area located within the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the office of the County Recorder of Nicollet County or waived as provided for in this Chapter.

Subd. 2. Receiving or recording unapproved plats. It is unlawful for any person to receive or record in any public office any plans, plats or replats of land laid out in building lots and street rights-of-way, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Chapter, unless the same shall bear thereon, by endorsement or otherwise, the review of the Planning and Zoning Commission and the approval of the City Council or waived as provided for in this Chapter.

Subd. 3. Misrepresentations as to construction supervision or inspection of improvements. It is unlawful for any person, owning an addition or subdivision of land within the City, to represent that any

improvements upon any of the street rights-of-way, alleys or avenues of said addition or subdivision, or any utilities in said addition or subdivision have 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.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)

Sec. 44-54. - Waiver of subdivision platting requirements.

Subd. 1. Administrative Lot Split. The Planning and Zoning Commission may recommend a waiver from the provisions of this Chapter governing subdivision platting of three or fewer parcels when, in its opinion, a hardship may result from strict compliance and a certificate of survey will satisfy all other subdivision regulations. In recommending any waiver, the Commission shall prescribe only conditions be attached to the waiver that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land in the vicinity. The Commission shall determine that the waiver is desirable for the preservation and enjoyment of a substantial property right of the petitioner, and, that the granting of the waiver will not be detrimental to the public welfare or injurious to other property in the locale in which the property is situated.

Subd. 2. The formal platting procedures outlined in this Chapter may create an unnecessary hardship and some or all of the conditions contained therein may on occasion be waived if a petition for waiver has been considered by the Planning and Zoning Commission and approved by the City Council. Any action taken on a petition for waiver by the Planning and Zoning Commission and the City Council shall be by resolution accompanied by findings and reasons therefore.

Subd. 3. Petition for waiver pursuant to this Section shall be submitted to the City upon forms furnished by the City. Said forms shall contain or be accompanied by the following:

- (1) Proof of property ownership.
- (2) An exhibit showing a certificate with dimensions of a recordable registered land survey or survey of the property by a registered land surveyor overlaying the description of the property which is subject of the petition.
- (3) A legal description of the area.
- (4) A sketch with dimensions of present lot arrangements including existing lot lines, structures, easements and encroachments, existing and proposed utilities, streets, rights-of-way, and drainage plan, as well as the relationship to adjacent lots and buildings.
- (5) The specific requirements of the subdivision regulations that petitioner requests be waived and the reasons therefore.

Subd. 4. A petition for waiver of subdivision and ~~five~~ twenty (20) copies and a digital copy in a format acceptable to the City of the certificate of survey must be submitted to the Director of Community Development at least two weeks before the next regularly scheduled meeting of the Planning and Zoning Commission and must be accompanied by the required filing fee.

Subd. 5. A certified copy of the City Council's resolution approving the petition for waiver, accompanied by a ~~certificate of registered land survey~~, will be recorded at the Office of the County Recorder. The petitioner shall supply a registered land survey within 10 days after City Council approval. The City shall file the resolution and survey within 14 days of receipt.

(Ord. No. 2(3rd. Ser.), § 1, 9-13-2010)